

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 16, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Dan Coleman
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PRESENTATION BY THE ORANGE COUNTY COMMISSION FOR WOMEN

Linda Key, on behalf of the Orange County Commission for Women, addressed the Board about the Women's Agenda meeting that was held in October 2006. She said that the following issues were identified as important issues for women of Orange County: economic self-sufficiency, access to health care, education, child care, violence against women, and civic education. She said the next step would be an advocacy day with the State Legislature in March 2007.

Alderman Gist asked for a copy of the Women's Agenda.

REQUEST TO ADD THE PEOPLE'S CHANNEL TO TIME WARNER CABLE IN CARRBORO

Chad Johnston with The People's Channel asked that Time Warner be requested to add The People's Channel to the Carrboro cable system. He stated that it will cost approximately \$21,000 to accomplish this. He stated that new state legislation regarding video franchising would likely make it possible for this to not cost Carrboro any additional money while it would help us receive state money which would help pay Carrboro's share for The People's Channel programming.

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE DECEMBER 5, 2006 AND JANUARY 9, 2007 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

LEASE RATE CHANGE FOR TOWN TELECOMMUNICATIONS TOWER

A number of leases on the town's telecommunication's tower are either expired and need to be re-negotiated or will expire in the next year or two (and need to be re-negotiated then). Town staff are proposing a simplified fee structure that should increase revenue and simplify administration of these leases. Town staff recommended that the Board of Aldermen adopt the proposed rate schedule for leased space on the town telecommunications tower.

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

A RESOLUTION APPROVING A NEW LEASE RATE FOR THE
TOWN'S TELECOMMUNICATIONS TOWER LOCATED AT 301 W. MAIN STREET
Resolution No. 96/2006-07

WHEREAS, the Town of Carrboro owns a telecommunications tower located between Town Hall and the Fire Department (at 301 W. Main St., Carrboro, NC 27510), and

WHEREAS, the Board of Aldermen seek to maximize revenue from such rental property, and

WHEREAS, the current lease rates are deemed to be low for a densely populated area such as Carrboro, and

WHEREAS, the current lease rates are individually negotiated based on all kinds of factors,

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen do hereby institute a simpler lease rate that should simply negotiations for new leases as well as re-negotiation of existing leases while increasing overall revenue for the Town.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

CERTIFICATION OF CARRBORO FIRE-RESCUE DEPARTMENT ROSTER

To satisfy North Carolina General Statute 58-86-25, which requires that all certified fire departments certify a complete roster of qualified fire personnel annually to the North Carolina Firemen's Pension Fund, it was requested that the Mayor be authorized to sign the annual certification of firemen

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

A RESOLUTION AUTHORIZING THE MAYOR
TO SIGN THE ANNUAL CERTIFICATION OF FIREMEN
Resolution No. 97/2006-07

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

Section 1. The Mayor is hereby authorized to sign the 2006 Annual Certification of Firemen.

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 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

A REQUEST TO ADOPT A BUDGET AMENDMENT

A budget amendment was required to recognize the \$45,000 mini-grant that will be awarded from the Clean Water Management Trust Fund for the Bolin Creek Watershed Restoration Team (BCWRT).

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2006-07 BUDGET ORDINANCE."
VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

DECISION ON DRAFT ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH FLOOD DAMAGE PREVENTION

Mapping of area regulatory floodplains has been recently updated and federal rules dealing with floodway and floodplain management have been revised. A draft ordinance amending the Carrboro Land Use Ordinance flood damage prevention provisions has been prepared. The Board of Aldermen held a public hearing on the ordinance on November 28, 2006, delaying action until comments were received from the Floodplain Management Branch of the North Carolina Department of Emergency Management.

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

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. 79/2006-07

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 provisions dealing with flood damage prevention.

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

Section 1. The Board concludes that the above described amendment is necessary in order to remain in compliance with State statutes.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because it makes local regulations and procedures consistent with federal and state regulations and recommended practices.

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 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT AN ORDINANCE ENTITLED, "AN ORDINANCE REVISING PART I OF ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH FLOOD DAMAGE PREVENTION." VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

PRESENTATION OF THE CONCEPT PLAN FOR THE BOLIN CREEK GREENWAY, PHASE III

The Town of Chapel Hill has requested an opportunity to present the *Concept Plan for the Bolin Creek Greenway, Phase III*, to the Board of Aldermen for comment. A resolution referring the report to staff for review and comments was presented.

Bill Webster, Interim Recreation & Parks Director for the Town of Chapel Hill, made the presentation.

Mayor Chilton suggested that the greenway run along the east side of Bolin Creek, crossing the P.H. Craig property until it enters University property and then crossing the University property to connect to Seawell School Road and Carolina North.

Alderman Broun suggested that affected property owners be contacted about the possibility of a greenway running through their properties.

Mr. Webster stated that all affected property owners had been notified of the concept plan.

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

A RESOLUTION REFERRING THE TOWN OF CHAPEL HILL'S
CONCEPT PLAN FOR THE BOLIN CREEK GREENWAY, PHASE III
TO STAFF FOR AN EVALUATION
Resolution No. 101/2006-07

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

WHEREAS, the Town of Chapel Hill has prepared a Concept Plan for its Bolin Creek Greenway, Phase III, and has requested comments from the Town of Carrboro prior to the end of February.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer the plan to staff for an evaluation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

PRELIMINARY REPORT ON THE POSSIBILITIES AND IMPLICATIONS OF IMPLEMENTING PAY-AS-YOU-THROW REFUSE COLLECTION

The purpose of this agenda item was to provide the Board of Aldermen with a preliminary report on the possibilities and implications of implementing a Pay-As-You-Throw program for single-family residential waste collection in the Town of Carrboro.

[This item was delayed due to the absence of Alderman Coleman.]

A REQUEST TO CONSIDER RE-ISSUING BOND ANTICIPATION NOTES UPON EXPIRATION AND TO CONSIDER INCREASING AMOUNT ISSUED

The Board was requested to consider re-issuing bond anticipation notes (BANs) that are due to expire March 14, 2007 and approve a staff recommendation to renew and increase the amount of BANs issued so that work on the sidewalk bond projects may continue in a timely fashion. It was recommended that the bond anticipation notes to be re-issued total \$2,590,000.

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

**A RESOLUTION ACCEPTING THE STAFF RECOMMENDATION TO
RE-ISSUE AND MODIFY THE CURRENT BOND ANTICIPATION NOTES
Resolution No. 108/2006-07**

WHEREAS:

At a referendum held on November 4, 2003, the voters of the Town of Carrboro, North Carolina (the "Town"), authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails (the "Bonds"). None of such Bonds have yet been issued.

The Town's Board of Aldermen (the "Board") has now determined to issue a series of bond anticipation notes to provide preliminary funding for sidewalk and greenways projects in anticipation of the later issuance of a portion of the Bonds.

The Board recognizes that the current bond anticipation notes will expire in early March, 2007 allowing the Town an opportunity to re-issue and increase the amount needed for upcoming projects.

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

Section 1: The Board agrees to issue and sell a single issue of general obligation sidewalk bond anticipation notes (the "Notes") in the aggregate principal amount of \$2,590,000. The Town will issue the Notes to provide preliminary financing for sidewalk and greenways projects in anticipation of the later issuance of a portion of the previously-authorized Bonds.

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 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

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 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.

Wes Hare, Co-Chair of the Peace Coalition, asked for the Board's continuing support for the impeachment of President Bush.

John Heuer, founder of the grassroots impeachment movement, asked that the Board speak with the legislative delegation about introducing impeachment resolutions in the N.C. General Assembly.

James Carnahan asked that the Board consider the following items for inclusion in the legislative agenda requests:

- Local inclusionary zoning authorization to enable the town to require inclusion of 15% affordable housing for new development projects;
- Energy efficiency standards for residential and commercial construction;
- Support for Climate Change Commission recommendations;
- Additional taxes to fund regional public transit, including a commuter rail system.

Alderman Broun asked that the following items be considered:

- Increased funding for N.C. Housing Trust Fund
- Increased medical benefits for uninsured children
- Greater state-wide funds for mass transportation including:
 - a. Connections between Durham/Chapel Hill/Raleigh
 - b. Greater funds for buses

- c. Program that connects and discusses more public transit east to Raleigh/Durham
- Opposition to any tax scheme that does not allow cities and counties to tax undeveloped property when it is subdivided;
- More funding for mental health

Alderman Zaffron asked that the amount of the taxing authority for the local hotel/motel occupancy tax be increased from 3% to 7%, as recommended by the Economic Sustainability Commission.

Alderman Haven-O'Donnell asked that the following items be considered:

- Continued support of Senator Kinnaird's living wage legislation
- Ban on smoking in public facilities in North Carolina
- Authority to increase campaign contribution disclosure and lowered cap on contributions

Alderman Gist spoke in support of legislation to help with the mental health crisis.

Alderman Herrera spoke in support of Land for Tomorrow legislation.

Mayor Chilton recommended support for the legislative agendas proposed by Triangle J COG and the N.C. League of Municipalities, in addition to continued support for the various child care subsidy programs and early childhood subsidy programs.

Alderman Broun expressed support for funding for low-wealth schools.

Mr. Stewart asked that the Board consider the charter amendment regarding repayment of special assessments and the collection of delinquent special assessment payments.

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

A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE
CARRBORO BOARD OF ALDERMEN FOR THE
GENERAL ASSEMBLY LONG SESSION STARTING IN JANUARY 2007
Resolution No. 67/2006-07

WHEREAS, the General Assembly of the State of North Carolina will begin its 2007 long session in January of 2007, and

WHEREAS, the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests, and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments,

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen's legislative priorities for this session, include:

1. Support for the Triangle J Council of Governments' 2006 Regional Legislative Agenda
2. Support for the N.C. League of Municipalities' Legislative Agenda
3. Support for energy efficiency standards for residential and commercial construction
4. Support for Climate Change Commission recommendations
5. Support for additional taxes to fund regional public transit, including a commuter rail system

6. Support for increased funding for N.C. Housing Trust Fund
7. Support for increased medical benefits for uninsured children
8. Support for greater state-wide funds for mass transportation including:
 - a) Connections between Durham/Chapel Hill/Raleigh
 - b) Greater funds for buses
 - c) Program that connects and discusses more public transit east to Raleigh/Durham
9. Opposition to any tax scheme that does not allow cities and counties to tax undeveloped property when it is subdivided
10. Support for additional funding and legislation to help with the mental health crisis
11. Support for an increase in the local hotel/motel occupancy tax from 3% to 7%
12. Continued support of Senator Kinnaird's living wage legislation
13. Support for a ban on smoking in public facilities in North Carolina
14. Support for authority to increase campaign contribution disclosure and lowered cap on contributions
15. Continued support for the various child care subsidy programs and early childhood subsidy programs, including low-wealth schools
16. Support for a Town Charter amendment to provide greater flexibility in the repayment of special assessments and the collection of delinquent special assessment payments.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

A RESOLUTION CREATING A GREENWAYS COMMISSION

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

A RESOLUTION CREATING A GREENWAY COMMISSION
Resolution No. 111/2006-07

WHEREAS, the Town and the Carrboro Board of Aldermen demonstrate a solid commitment to the preservation of greenways, constructing trails and connectivity;

WHEREAS, maintaining this focal point unifies people to the natural landscape of the community while conveying a healthy sense of place.

WHEREAS, it is suggested that the Board of Aldermen consider creating a Greenway Commission to serve as the initiator, clearinghouse and advisor for all matters of this sort; and

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

Section 1. The Board of Aldermen discussed the matter of creating a Greenway Commission.

Section 2. The Board of Aldermen approves creating a Greenway Commission.

Section 3. The Board of Aldermen approves revising the current charge of the Recreation and Parks Commission to delete greenway and preservation administration.

Section 4. The Board of Aldermen empowers the Greenway Summit Workgroup to develop a mission statement for the Greenway Commission and a commission structure to be brought back to the Board for approval.

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 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

A RESOLUTION OPPOSING DUKE ENERGY'S REQUEST FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO BUILD ADDITIONAL POWER PLANTS AT THE CLIFFSIDE SITE

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

A RESOLUTION REQUESTING THAT THE N.C. UTILITIES COMMISSION
DENY DUKE ENERGY'S REQUEST FOR A
CERTIFICATE OF CONVENIENCE AND NECESSITY
TO BUILD TWO ADDITIONAL POWER PLANTS AT THE CLIFFSIDE SITE
Resolution No. 110/2006-07

Whereas, the Town of Carrboro is committed to greenhouse gas reduction and to a sustainable energy policy; and

Whereas, Duke Energy's proposed coal-burning power plants at the Cliffside site do not meet the standard of "least cost" option when compared to other accessible and reliable sources of energy for North Carolina, particularly in light of the \$1 billion increase in the cost projection from Duke Energy; and

Whereas, the Utilities Commission's just-published analysis of the potential of a Renewable Portfolio Standard strongly supports the contention that electricity demand can be met reliably and in a way that reduces power bills and creates more North Carolina jobs through renewable energy and energy efficiency; and

Whereas, these new coals plants would emit over 11 million tons of greenhouse gases per year at the same time that we face the crisis of accelerating climate change; and

Whereas, emissions from a coal-burning plants have global climate ramifications that impact upon the health and well-being of the people of Carrboro; and

Whereas, emissions from a coal-burning plants have air quality ramifications within the state of North Carolina that bear upon the health and well-being of the people of Carrboro.

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

Section 1. The Board of Aldermen hereby petitions the N.C. Utilities Commission to deny Duke Energy's request for a Certificate of Convenience and Necessity to build two additional coal-burning power plants at the Cliffside site.

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 16th day of January, 2007:

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

Noes: None

Absent or Excused: Dan Coleman

LETTER OF CONGRATULATIONS TO THE NEW SPEAKER OF THE HOUSE OF REPRESENTATIVES

Alderman Herrera requested that the Mayor forward a letter of congratulations to the new Speaker of the House of Representatives following that election.

It was the consensus of the Board to authorize the Mayor to send this letter.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER AT 9:02 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO GRANT THE TOWN CLERK A 5.5% SALARY INCREASE RETROACTIVE TO JANUARY 5, 2007. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 9:04 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

Mayor

Town Clerk