

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 20, 2007 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 (arrived at 7:43)
	Randee Haven-O'Donnell
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

### **CROSSWALK SIGNAL AT THE MAIN/GREENSBORO STREET INTERSECTION**

Dave Laney, a resident of 102 W. Main St., expressed concern about the audible crosswalk signs at the Main/Greensboro Street intersection. He presented a petition requesting the immediate and permanent termination of the recently installed crosswalk audible signal at the Main/Greensboro Street intersection. He stated that this siren runs continuously throughout the day and night, and is very obstructive to the daily lives of nearby residents. The petitions suggest that a push button be installed to aid the visually impaired.

Mr. Stewart explained that the Board had requested audible signals to assist visually impaired citizens and that a device had been ordered a control device to allow the volume to be controlled.

Alderman Broun asked that the town staff check with NCDOT to see if there is another alternative signal to assist the visually impaired.

Alderman Gist stated that visually impaired people can use Braille buttons.

Mayor Chilton asked the Manager to check with NCDOT to see if there is anything the staff can do to resolve this matter.

Trish McGuire, the town's Planning Administrator, presented a report.

Mayor Chilton stated that he would contact Senator Kinnaird to ask for assistance with this matter.

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

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO APPROVE THE FEBRUARY 6 AND 13, 2007 MINUTES: VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)

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### **A REQUEST TO AMEND THE MISCELLANEOUS FEES AND CHARGES SCHEDULE**

The town staff asked for Board approval and/or input on additions to the fee schedule for the newly purchased translation-assistance equipment.

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

A RESOLUTION APPROVING REVISIONS TO THE  
MISCELLANEOUS FEES AND CHARGES SCHEDULE  
TO INCLUDE FEES FOR USE OF TRANSLATION ASSISTANCE EQUIPMENT  
Resolution No. 122/2006-07

WHEREAS, it is traditional for the Board of Aldermen to approve all updates to the fee schedule,

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen do hereby approved the attached fee schedule for the use of the translation equipment by non-Town persons or entities.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of February 2007:

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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**NEW HORIZONS TASK FORCE UPDATE**

The purpose of this item was for the Mayor and Board of Aldermen to receive an update from the New Horizons Task Force.

Lydia Lavelle, Chair of the New Horizons Task Force, made the presentation. She stated that the NHTF recommended that, for future annexation, the town exceed what is required by statute in terms of neighborhood input. For example:

- Form a neighborhood transition group prior to annexation;
- Inform residents of hearings and votes starting with the intent to annex; and
- Post signs in affected areas when the preliminary annexation procedures start.

The Task Force also recommended that annexations become effective on July 1<sup>st</sup> and that the town should not annex until services are in place or are scheduled to be in place.

Laura Wenzel, Secretary of the New Horizons Task Force, continued with the presentation. She stated the Task Force had recommended that the town seriously consider merging select departments (fire, police, public works) to achieve "economies of scale." It is also recommended that Carrboro join with Orange County, Chapel Hill and Hillsborough to develop a county-wide commercial development plan and that a "big box" development should be located along Highway 54.

Ms. Wenzel stated that there is negative sentiment for the solid waste transfer station and that the Task Force would be continuing to discuss this issue along with other remaining items identified in the survey.

Alderman Herrera pointed out that annexations are governed by state law.

Alderman Coleman suggested that the Board schedule a discussion of the annexation recommendations.

Alderman Broun asked that the NHTF seek input from Rogers Road neighbors about the waste transfer station.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION RECEIVING A NEW HORIZONS TASK FORCE UPDATE  
ON TRANSITION ISSUES AND REQUESTING AN ADDITIONAL UPDATE  
Resolution No. 124/2006-07

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 met the second Monday of each month since being created;

NOW THEREFORE LET IT BE RESOLVED that the Board of Aldermen receive the update report.

BE IT FURTHER RESOLVED that the Board of Aldermen request one more update in June of 2007.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of February 2007:

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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**PROPOSAL FOR RETIREE HEALTH INSURANCE COVERAGE FOR FISCAL YEAR JULY 1, 2007-JUNE 30, 2008**

The purpose of this item was to present the staff's proposal for retiree health insurance coverage for fiscal year 2007-2008.

Todd Yates with Hill, Chesson & Woody made the presentation. He stated that the recommendation is:

That current town employees remain on the town's group medical plan;  
That non-Medicare eligible retirees hired prior to July 1, 2007 remain on the town's group medical plan;  
That Medicare eligible retirees hired prior to July 1, 2007 be on a town group Medicare supplemental plan; and  
That future retirees hired after July 1, 2007 be given a stipend for health insurance.

The Board asked for the following information:

Price Waterhouse Coopers report on breakdown of components of health care cost increases;  
List of NEBCO Plan III Medicare Supplement references/users; and  
The cost for permanent, part-time employees to join the town's health insurance plan, with no contribution from the town.

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

A RESOLUTION ACCEPTING THE REPORT FROM  
HILL, CHESSON, AND WOODY  
Resolution No. 125/2006-07

**BE IT RESOLVED** by the Board of Aldermen of the Town of Carrboro that the Board receives the report from Todd Yates of Hill, Chesson & Woody.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of February 2007:

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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**COMMENTS ON CONCEPT PLAN FOR BOLIN CREEK GREENWAY**

The Town of Chapel Hill referred its Bolin Creek Greenway, Phase III concept plan to the Board of Aldermen for comment. Staff has reviewed the plan and offers comments for the Board's consideration. A resolution providing comments was available for the Board's adoption.

Kendal Brown, one of the town's planners, made the presentation.

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

A RESOLUTION REGARDING RECOMMENDED ROUTES FOR  
THE TOWN OF CHAPEL HILL BOLIN CREEK GREENWAY PHASE III  
Resolution No. 132/2006-07

WHEREAS, the Town of Chapel Hill has requested the Carrboro Board of Aldermen make recommendations regarding route alternatives for sections of the proposed Chapel Hill Bolin Creek Greenway Phase III; and

WHEREAS, the Board of Aldermen received a presentation by Town of Chapel Hill staff on this matter on January 16, 2007; and

WHEREAS, the Board of Aldermen has considered the Carrboro Recreation and Parks Master Plan 2006 update, the policies in Vision 2020, and Greenway Summit comments; and

WHEREAS, the Board of Aldermen supports connectivity between trail systems and to existing recreation and parks facilities;

WHEREAS, the Board of Aldermen supports routing the trail on already cleared land and pedestrian-friendly topography where possible;

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro recommends to the Town of Chapel Hill the following:

**Spur Trail from Umstead Park area through Northside neighborhood to Baldwin Park**

The Board supports a connection of the greenway spur trail to Baldwin Park, and further recommends that in the town's future coordination with Chapel Hill on combined greenway efforts, any design and construction in this vicinity not preclude stream restoration efforts.

Section of Greenway from Estes Extension north

The Board recommends that the greenway trail on the north side of Estes Extension begin on the OWASA-controlled sliver of land on the east side of the railroad tracks, on the west side of Bolin Creek. The trail could continue along the sewer easement as it crosses the creek about 600 feet in, and crosses under the railroad track. Thence, the trail could continue north along the sewer easement between the creek and the railroad (east side of the creek, west side of the railroad track) to the northern end of the Ironwood Homeowners' Association land, creating a "stubout" at the two towns' jurisdictional boundary. This would consistently situate the trail on the gentlest slopes, in an area already cleared of vegetation, and close to the creek. This segment of the trail would also be located entirely within Chapel Hill's jurisdiction on land owned by OWASA and the Ironwoods Homeowners' Association.

Connection to Carolina North

The Board supports connection to the Carolina North property, and with the expectation that Carrboro, Chapel Hill, and the University of North Carolina will cooperate as partners to create a pedestrian and bicycle trail system that promotes non-vehicular transportation north of Estes Drive Extension.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of February 2007:

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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**DISCUSSION OF A PROCESS TO UPDATE IMPLEMENTATION OF THE NORTHERN STUDY AREA PLAN AND REQUEST TO SET A PUBLIC HEARING ON A DEVELOPMENT MORATORIUM IN THE NORTHERN STUDY AREA**

On February 6th the Board of Aldermen decided to proceed with establishing a process to review/update the implementation of the Facilitated Small Area Plan for Carrboro's Northern Study Area. A six-month moratorium on residential development was identified as a desired component of the review process. Resolutions defining the review process and setting a public hearing on a draft ordinance to establish a six-month moratorium were provided.

Trish McGuire, the town's Planning Administrator, made the presentation.

Phil Post spoke against a moratorium because it will create a "pendulum effect" on development where all development will come to a halt and then suddenly there will be a rush toward development. He stated that he feels the town needs to identify mass transit routes. The Year 2000 Report states that the town should not pursue peripheral shopping centers. The Year 2000 Report also calls for more single-family housing, rather than multi-family housing. He suggested a wider view of development mixes, and urged the Board to establish a stakeholders group to come up with ideas to achieve the goals of increased residential density and more commercial development without the pain of a moratorium.

Mr. Post proposed some changes to the Land Use Ordinance to reduce the threshold for Village Mixed-Use (VMU) developments from 50 acres to 2 acres, that planned unit developments be reduced from 25 to 2 acres, that roadway design standards be changed to allow traditional roadway design standards in regular subdivisions.

Omar Zinn spoke against a moratorium and asked that concept review projects be allowed to continue.

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

A RESOLUTION ESTABLISHING A PROCESS TO REVIEW THE IMPLEMENTATION  
OF THE FACILITATED SMALL AREA PLAN FOR  
CARRBORO'S NORTHERN STUDY AREA  
Resolution No. 134/2006-07

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has expressed its desire to evaluate and, if necessary, update the implementation of the NSA Plan

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen establishes the following process to review and update the NSA Plan:

- 1) February 20 – Board adopts process and sets public hearing on development moratorium for March 27th. Board directs staff to request participation from advisory boards and community members (no more than 50), with the expectation that meetings will be held on the 3<sup>rd</sup> Thursday of each month in lieu of otherwise regularly scheduled advisory board meetings starting in March (Planning, Appearance, Environmental, Transportation, Recreation and Parks, Economic Sustainability).
- 2) March 6 – Board creates NSA Plan Implementation Review Committee (NSAPIRC) and charges it with carrying out review process.
- 3) March 15 – first meeting of NSAPIRC. Staff presents overview of NSA Plan and major development activity to date. Community forums, especially structure, agenda, notification, et cetera, are discussed.
- 4) Staff proceeds with activities needed for April 14 Community Forum. If needed, staff will request that funds be made available by the Board of Aldermen to support the forums.
- 5) March 27 – Public hearing on development moratorium.
- 6) April 12 – NSAPIRC meets to review agenda, materials, and notification strategies for Community Forum #1.
- 7) April 14 – Community forum #1
- 8) May 17 – NSAPIRC meets to review outcome of first forum and plan the second.
- 9) June 16 – Community forum #2
- 10) June 16 to July 31– Committee meets to make recommendations based on staff analysis and community input; staff works with committee to prepare ordinance text and map revisions.
- 11) August 1 to August 15 – Final drafts of ordinance amendments prepared by staff.

- 12) August 25 – Staff submits draft ordinance to Orange County by this date in order to provide at least 30 days in advance of public hearing (scheduled for September 25), anticipating the Board of Aldermen action to set public hearing on August 28.
- 13) August 28 – Board sets public hearing on proposed ordinance changes (for September 25) and refers ordinance to advisory boards.
- 14) September 6 to 20 – Planning Board and other advisory boards review proposed ordinance changes.
- 15) September 8 – First public hearing notice published.
- 16) September 15 – Second public hearing notice published.
- 17) September 25 – Board of Aldermen conducts public hearing and considers adoption of ordinances.
- 18) October 10 (or thereafter, depending on effective date) – moratorium expires.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of February 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman John Herrera.

**A RESOLUTION CALLING A PUBLIC HEARING ON THE ESTABLISHMENT OF A SIX-MONTH  
MORATORIUM ON REZONING REQUESTS AND SPECIAL AND CONDITIONAL USE PERMIT  
APPLICATIONS FOR RESIDENTIAL DEVELOPMENT IN CARRBORO'S NORTHERN STUDY AREA**  
Resolution No. 133/2006-07

WHEREAS, the Carrboro Board of Aldermen must receive public comment on the establishment of development moratoria; and

WHEREAS, the Planning Board has recommended and the Board of Aldermen has developed a proposal for a process to review the implementation of the Facilitated Small Area Plan for Carrboro's Northern Area, and

WHEREAS, a development moratorium provides the opportunity to commit staff time and other resources to the review of adopted policies and plans to determine whether development applications are achieving the community goals expressed in those documents, and to update them if needed.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on March 27, 2007, to receive public comment on a draft ordinance that would establish a six-month development moratorium on rezoning requests and special and conditional user permit applications for residential development in Carrboro's Northern Study Area and refers the draft ordinance 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:

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|--|---|
| <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 20th day of February 2007:

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

Noes: Jacquelyn Gist

Absent or Excused: Alex Zaffron

It was the consensus of the Board to request that the town staff revise Section 2 of the draft ordinance establishing the moratorium to delete reference to review of concept plans for developments within the Northern Study Area.

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**DISCUSSION OF SOLID WASTE TRANSFER STATION**

The purpose of this agenda item was to provide the Board of Aldermen an opportunity discuss two possible sites identified by Orange County for a solid waste transfer station. The Orange County Board of Commissioners has requested that the Board of Aldermen provide comment and feedback on these two sites by February 23, 2007.

Rev. Robert Campbell expressed concern that this item was at the end of tonight's meeting as it was at the end of the County Commissioners' agenda. He expressed concern about the speed limit being at 40 mph on Rogers Road, requested that Carrboro send police officers to observe the traffic on Rogers Road, stated that there are problems with debris flying out of trucks, and asked for assistance in picking up the trash. He asked for a study to be done on the economic impact of the landfill and a future transfer station on the Rogers Road residents, and expressed concern about additional schools going on Eubanks Road and the possibility of a child being injured by a refuse truck.

Tracy Kuhlman, a resident of Fox Meadow, urged the Board to say no to the Eubanks Road site.

Jeffrey Kingan, a resident of Tallyho Trail, presented a petition containing the signatures of 207 citizens requesting that the new county waste transfer station be located at a site other than the current Eubanks Road Landfill. Residents of the Eubanks Road area were promised by county officials that once the landfill is closed in 2010, they would receive some relief from its hazards. Locating the transfer station in the same location would constitute environmental injustice. The waste transfer station will be a permanent facility. Last October, County Commissioner Moses Cary issued and later validated the following public remarks: "I have real concerns about evoking another (kind) of this experience on people who have had the landfill over 30 years. I'm sure there are going to be people who have vivid memories of us promising not to do this again." The



petitioners requested that the proposed waste transfer station be located at an alternate site away from the homes of residents who have long borne the air pollution, contaminated ground water and other major burdens of the landfill.

David Richter stated that he feels it is a travesty that Eubanks Road is being considered for a waste transfer station. He urged the Board to look at SWAB minutes and asked the Board to reject the Eubanks Road site as a possible site for the waste transfer station.

Jeanne Stroud, a resident of Rogers Road, stated that many promises were made but not kept to her neighbors. There are many on Eubanks Road that have not been able to connect to the water. She asked that the Eubanks Rd. site not be considered for the transfer station and asked for help in getting sewer.

Sharon Cook, a resident of Claymore Road, asked if noise and impact studies have been done to determine the impact on the Eubanks Road neighborhood. She feels the Eubanks Road site would be ideal for a Costco, urged a site visit to a transfer station, feels concerns brought up by the Eubanks Road neighbors have not been adequately addressed in the past, the rapid development throughout the town is increasing the amount of trash, and feels the Eubanks Road area has been identified as a "disposable" area, where more and more undesirable facilities come together. She pointed out that residents were assured that the landfill would close and that dumping activities would cease. She asked that the Board do their part to honor this commitment.

Nancy Agnew, a resident of Tallyho Trail, asked that the transfer station not be put on Eubanks Road.

Alderman Haven-O'Donnell proposed that the Board of Aldermen support an Orange County Board of Commissioners fact-finding visit to the Greensboro transfer station to further their knowledge base.

It was the consensus of the Board to participate in the fact-finding visit to the Greensboro transfer station prior to making a recommendation to the County Commissioners on siting a transfer station.

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**APPOINTMENTS TO ADVISORY BOARDS**

This item was delayed until February 27<sup>th</sup>.

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**A RESOLUTION ADOPTING REVISIONS TO THE BOARD OF ALDERMEN'S MEETING SCHEDULE**

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

A RESOLUTION ADOPTING REVISIONS TO THE  
BOARD OF ALDERMEN'S MEETING SCHEDULE  
Resolution No. 135/2006-07

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

Section 1. No regular meetings, work sessions, or public hearings will be scheduled during the month of July, the first three weeks in August, the last three weeks in December and the first full week in January.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of February 2007:

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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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO  
ADJOURN THE MEETING AT 11:15 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk