

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 27, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun (arrived at 8:27 p.m.)
	Dan Coleman
	Jacquelyn Gist
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Alderman	John Herrera
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PUBLIC HEARING ON A STREET CLOSING PERMIT APPLICATION FOR THE KIDNEY KARE 5K RUN/WALK

The purpose of this item was to receive public input on a Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets to accommodate the Kidney Kare 5K Run/Walk on Saturday March 24, 2007 from 8:25 AM to 9:00 AM.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING
AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE
KIDNEY KARE 5K RUN/WALK
Resolution No. 128/2006-07

Section 1. The following streets shall be temporarily closed and used Saturday, March, 24 2007 from 8:25 am to 9:00 am to accommodate the Kidney Kare 5K Run/Walk:

Start and Finish on McDougle Southeast Drive

Right on *Hillsborough Rd* (Stay on Hillsborough Rd through the N Greensboro St split)

Right on *High St*

Right on *Main St* (stay in bike lane)

Right on *James St*

Left on *Hillsborough Rd* (stay in bike lane)

Left on *McDougle Southeast Drive*

Section 2. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town.

Section 3. The Town shall supply the appropriate traffic control devices to give notice of the temporary street closing.

Section 4. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 3 of this resolution.

Section 5. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 6. Applicant shall distribute flyers of notification to persons occupying property abutting the streets where the event is to take place

Section 7. Applicant will be responsible for all costs incurred by the Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 8. 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 27th day of February 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

PUBLIC HEARING TO OBTAIN COMMUNITY INPUT ON TOWN NEEDS AND BUDGET FOR UPCOMING FISCAL YEAR 2007-08

Annually, the Board of Aldermen adopts a budget, effective July 1st - June 30th, for the Town. The Board, as part of its budget review, schedules a public hearing to receive comments from residents in the community regarding town services. These comments shall be considered in developing the FY2007-08 operating and capital budgets during the budget process.

The following budget requests have been received by the town staff:

1. Marc Desormeau and Dawna Hawley – lower residential property taxes, extend the bike paths to connect neighborhoods in the downtown area.
2. Dan Waugh – expansion of bus service to the newly annexed portion of the town along Rogers Road.
3. Nerys Levy - \$500 for the 2008 Community Dinner
4. Carrboro Arts Committee – full-time staff position to serve as arts administrator, and increased Arts Committee budget to cover professional art exhibit installation (\$2,000), promotion of special events (\$1,500), physical improvements to Town Hall and Century Center gallery space (\$1,000).

Robert Dowling, Executive Director of the Orange Community Housing and Land Trust (OCHLT), gave an update on the activities of the OCHLT and submitted a budget request for 2007-08.

Mayor Chilton stated that the cost of adding bus service to Rogers Rd. should not totally fall on Carrboro as the requesting agency since Chapel Hill, Carrboro and Orange County all committed collectively to provide bus service to the Rogers Road area over 10 years ago.

Alderman Coleman stated that the preliminary transportation budget for next year recently reviewed by the Transit Partners Group did not include extension of service to Rogers Road. He stated that he had asked the

Transit Director to provide a cost figure to extend the HS Route up Rogers Road. He stated that he would remind the group of the joint commitment to extend service to this area.

Mayor Chilton asked that the town staff revisit the development application fees because they seem lower than those in neighboring jurisdictions.

Alderman Zaffron requested that the scale of projects be considered when setting development application fees.

Alderman Coleman asked that the town staff contact the Town of Chapel Hill expressing the Board's opinion that the cost of extending bus service to the Rogers Road should be shared by Chapel Hill, Carrboro and Orange County.

**CONTINUATION OF THE PUBLIC HEARING ON A LAND USE ORDINANCE TEXT
AMENDMENT TO REMOVE THE MANSARD ROOF OPTION FOR THE NEIGHBORHOOD
PROTECTION OVERLAY DISTRICT**

The Board of Aldermen held a public hearing on January 23rd to consider a Land Use Ordinance text amendment to remove the mansard roof option associated with the buildings in the Downtown Neighborhood Protection Overlay District. That public hearing was continued to tonight's meeting.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

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

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. 126/2006-07

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 to Remove the Mansard Roof Option from the Downtown Neighborhood Protection Overlay District.

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

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town of Carrboro support the evolution of a downtown district that embodies Carrboro's character and is consistent with its distinctive town character.

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 27th day of February 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO REVISE THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT OPPOSITE SIDE STEPBACK PROVISION." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

APPOINTMENTS TO ADVISORY BOARDS

The Mayor and Board of Aldermen considered appointments to the town’s advisory boards. The town staff recommended that the Board adopt resolutions making appointments. In addition, the town staff recommended that the Mayor and Board of Aldermen consider revising Section 3 of the Guidelines for Selecting Advisory Board and Commission Members.

Alderman Gist requested that unsuccessful applicants be invited to serve on boards and commission with vacant seats.

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

**A RESOLUTION MAKING APPOINTMENTS TO
CARRBORO ADVISORY BOARDS
Resolution No. 130/2006-07**

WHEREAS, there are terms on advisory boards that expire in February of each year; and

WHEREAS, those individuals whose terms expire in 2007 were sent notices thanking them for their service and asking them to complete an application form if they were interested in being re-appointed; and

WHEREAS, these seats were also advertised and applications were received; and

WHEREAS, all applications were forwarded to the chairs of the various advisory boards for review and recommendations.

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

Section 1. The following appointments are made to the town’s advisory boards:

BOARD	TYPE OF TERM AND # OF VACANT SEATS	RECOMMENDED APPOINTEES
Planning Board	In-Town (3 seats)	Ande West (unexpired term) James Carnahan Rich Bell
Transportation Advisory Board	1 seat	Daniel Amoni
Recreation & Parks Commission	In-Town (5 seats)	Doris Murrell
Recreation & Parks Commission	Out-of-Town (2 seats)	Mark Marcopolos
Human Services Commission	1 seat	Joyce Beekman
Economic Sustainability	1 resident seat	Peter Lee (resident)

Commission	1 at-large seat 1 business owner seat	Eleanor Kinnaird (at-large) Ruffin Slater (business owner)
Arts Committee	3 seats	Maggi Grace Michael Maher

Section 2. Those individuals who are currently serving and who were not re-appointed will be recognized for their service at the April 26th Advisory Boards Recognition Dinner.

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 27th day of February 2007:

Ayes: Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: Alex Zaffron

Absent or Excused: Joal Hall Broun, John Herrera

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

A RESOLUTION REQUESTING AN APPOINTMENT TO THE
CARRBORO PLANNING BOARD
Resolution No. 129/2006-07

WHEREAS, as a result of expiration of a term, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's Extraterritorial Planning Jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Extraterritorial Planning Jurisdiction members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an ETJ seat on the Carrboro Planning Board:

David Clinton (term expiration: 2/2010)
106 Fox Run
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint a person willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

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 27th day of February 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JACQUELYN GIST TO REVISE THE GUIDELINES FOR SELECTING ADVISORY BOARD AND COMMISSION MEMBERS AS RECOMMENDED BY THE TOWN STAFF. VOTE: AFFIRMATIVE FOUR, ABSENT TWO (HERRERA, BROUN)

DISCUSSION OF THE PROCESS TO REVIEW IMPLEMENTATION OF THE NORTHERN STUDY AREA PLAN

On February 20th, the Board of Aldermen adopted a resolution establishing a process to review/update the implementation of the Facilitated Small Area Plan for Carrboro's Northern Study Area. A request to further review the details of the process was made. A resolution that provides an opportunity for the Board of Aldermen to revise the process, if desired, was available for the Board's consideration.

(Alderman Broun arrived at the meeting.)

Mayor Chilton asked that the town staff try to retain the services of Andy Sachs with the Dispute Settlement Center and, if not, that the staff find another facilitator.

Mayor Chilton stated that he would send a letter to the Chair of the Orange County Board of Commissioners explaining the purpose of the proposed development moratorium.

Alderman Broun asked the town staff provide a one-page summary of the issues to accompany Mayor Chilton's letter. She also suggested that one member of the Board of Aldermen attend the April 10th meeting of the County Commissioners at which time the proposed moratorium will be discussed.

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

**A RESOLUTION ESTABLISHING A PROCESS TO REVIEW THE
IMPLEMENTATION OF THE FACILITATED SMALL AREA PLAN
FOR CARRBORO'S NORTHERN STUDY AREA
Resolution No.138/2006-07**

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 27 – Board adopts revised process. Board directs staff to request participation from advisory boards and community members, as follows:

Group	#	Group	#
Planning Board	1	Economic Sustainability Commission	1
Appearance Commission	1	Northern Transition Area Advisory Commission	1
Environmental Advisory Board	1	New Horizons Task Force	1
Transportation Advisory Board	1	Town of Chapel Hill	1
Recreation and Parks Commission	1	Orange County	unspecified
Board of Aldermen	2	At-Large Carrboro residents	3
		UNC	1

It is expected that meetings will be held on the 3rd Thursday of each month in lieu of otherwise regularly scheduled advisory board meetings starting in March.

- 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, anticipating the Board of Aldermen action to set public hearing on August 28.
- 13) August 28 – Board sets public hearing on proposed ordinance changes 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 27th day of February 2007:

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

Noes: None

Absent or Excused: John Herrera

APPOINTMENT TO THE INTERGOVERNMENTAL PARKS WORK GROUP

The Mayor and Board of Aldermen considered making an appointment to the Intergovernmental Parks Work Group.

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

**A RESOLUTION MAKING AN APPOINTMENT TO
THE INTERGOVERNMENTAL PARKS WORK GROUP**

Resolution No. 137/2006-07

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

Section 1. The Board of Aldermen hereby appoints Alderman Randee Haven-O’Donnell to serve as the Carrboro Board of Aldermen’s second representative on the Intergovernmental Parks Work Group.

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 27th day of February 2007:

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

Noes: None

Absent or Excused: John Herrera

**REQUEST FOR SUPPORT OF A REQUEST FOR A North Carolina FIELD HEARING ON
SHEARON HARRIS FIRE**

Alderman Coleman asked the Board to authorize the Mayor to send a letter to the Nuclear Regulatory Commission in support of Senator Eleanor Kinnaird’s request for a field hearing on March 22nd at 7:00 p.m. at the Barn at Fearington Village regarding a petition on Shearon Harris Nuclear Power Plan fire safety compliance filed by NC WARN and others.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO AUTHORIZE THE MAYOR TO SEND THE LETTER IN SUPPORT OF SENATOR'S KINNAIRD'S REQUEST. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

STATE OF THE LOCAL ECONOMY BREAKFAST

Alderman Coleman asked for the Board's support in objecting to the time and price (\$30.00) of the State of the Local Economy Breakfast. He stated that he was requesting this because the time of the breakfast conflicts with the start of the work day, people are getting their children off to school and residents should not have to pay \$30.00 to hear this presentation.

Alderman Gist stated that she was unable to attend because of her work commitment. She suggested an evening meeting or Saturday morning meeting.

Alderman Broun stated that she would not be able to attend a Saturday morning meeting.

Alderman Zaffron stated that he would not be able to attend an evening meeting.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO AUTHORIZE THE MAYOR TO SEND A LETTER TO THE COUNTY COMMISSIONERS AND ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION EXPRESSING THE BOARD'S FEELINGS ABOUT THIS TOPIC. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

REQUEST FOR ACCESS TO DOCUMENTS ON THE WEBSITE

Alderman Coleman asked that materials placed at the Board's places and other material distributed to Board members in their agenda packets be placed on the website. He suggested that they be listed as "Additional materials related to the meeting."

Mayor Chilton asked that this request be referred to the town staff for consideration.

MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 9:15 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

Mayor

Town Clerk