

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 20, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	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:

Aldermen	Joal Hall Broun
	John Herrera

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO APPROVE THE MARCH 6, 2007 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

A REQUEST TO DISPOSE OF THE HOUSE ON THE MLK PARK PROPERTY BY PRIVATE SALE

The purpose of this agenda item was for the Board to approve the disposal of the house on Martin Luther King Jr. Park located at 1120 Hillsborough Street by private sale according to G.S. 160A-267, which gives the Town permission to negotiate the conveyance of personal property worth less than \$30,000.

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

A RESOLUTION AUTHORIZING THE REMOVAL OF THE HOUSE
ON THE MLK PARK PROPERTY BY PRIVATE SALE

Resolution No. 147/2006-07

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1: The house on MLK Park located at 1120 Hillsborough Street was not intended for use in the future park plans; and

Section 2: The house on MLK Park located at 1120 Hillsborough Street has been damaged and continues to be a target of vandalism, creating an unsafe environment; and

Section 3: The house on MLK Park located at 1120 Hillsborough Street is to be disposed of by private sale to the Parrish Brothers.

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

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

REQUEST TO SET A PUBLIC HEARING FOR THE PERMANENT CLOSING OF THE TODD STREET RIGHT-OF-WAY

The purpose of this agenda item was to set a public hearing on a request to permanently close the Todd Street right-of-way.

Alderman Gist asked if the town could sell this right-of-way to the developer.

Mayor Chilton expressed concern about Carrboro Elementary School children not being able to use this right-of-way to access the school.

Mike Brough stated that he would check the General Statutes to see if the town can require the property owner to continue to allow pedestrian access through this property.

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

**A RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN
TO CLOSE THE TODD STREET RIGHT-OF-WAY AND SETTING A
PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN THIS PERMANENT CLOSING
Resolution No. 154/2006-07**

THE BOARD OF ADLERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby declares its intention to close a 46 foot wide section of right-of way known as Todd Street adjacent to the following two properties: PIN: 9778-78-1734 and PIN: 9778-78-3622.

Section 2. The Board of Aldermen hereby declares its intention to reserve its right, title and interest in any utility improvements or easements within the 46 foot wide right-of-way proposed for closing. This reservation shall also extend to utility improvements or easements owned by private utilities which at the time of the proposed street closing have a utility agreement or franchise with the Town. Such utilities shall include but are not limited to water, sewer, electrical, gas, telephone and cable television.

Section 3. The Board of Aldermen shall hold a public hearing on the proposed right-of-way closing at its regular meeting on April 24, 2007.

Section 4. This resolution shall be published once a week for four (4) successive weeks prior to the hearing and a copy shall be sent by certified mail to the persons who, according to the county tax records, own property adjoining the right-of-way proposed to be closed. In addition a notice of the proposed closing and public hearing thereon shall be prominently posted in at least two placed along the right-of-way to be closed.

Section 5. Should the right-of-way be closed as proposed, then all right, title and interest, excluding utility improvements and easements, in the right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the right-of-way.

Section 6. 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 March 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

APPOINTMENT TO THE APPEARANCE COMMISSION/NPDC

The Chair of the Appearance Commission/Neighborhood Preservation District Commission recommended that Elizabeth Brisson be appointed to a vacant seat on the Appearance Commission/NPDC.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE
APPEARANCE COMMISSION/NPDC
Resolution No. 148/2006-07

WHEREAS, there are currently four vacant seats on the Appearance Commission/Neighborhood Preservation District Commission; and

WHEREAS, this positions have been advertised and Elizabeth Brisson has submitted an application; and

WHEREAS, the Chair of the Appearance Commission/NPDC is recommending that Ms. Brisson be appointed to one of the vacant seats.

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

Section 1. The Board of Aldermen hereby appoints Elizabeth Brisson to the Appearance Commission/NPDC. Ms. Brisson's term shall expire in February 2010

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 March 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

AWARD OF CONTRACT FOR BOLIN CREEK WATERSHED STUDY

The Bolin Creek Watershed Restoration Team will be conducting a watershed study funded by the Clean Water Management Trust Fund Stormwater Mini-Grant Program. Staff recommended that the Board of Aldermen authorize the negotiation of a contract with EarthTech to perform the watershed study as described in the Mini-Grant Application.

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

A RESOLUTION AUTHORIZING STAFF TO EXECUTE A CONTRACT WITH EARTHTECH FOR THE PURPOSE OF CARRYING OUT THE WATERSHED STUDY FOR WHICH THE TOWN HAS BEEN AWARDED A CLEAN WATER MANGEMENT TRUST FUND STORMWATER MINI-GRANT
Resolution No. 145/2006-07

WHEREAS, the Carrboro Board of Aldermen have authorized staff to participate in the restoration efforts of the Bolin Creek Watershed Restoration Team (BCWRT);

WHEREAS, the Carrboro Board of Aldermen have authorized staff to apply for and carry out the duties of a Clean Water Management Trust Fund grant, on behalf of the BCWRT;

WHEREAS, the Town has received the Clean Water Management Trust Fund Stormwater Mini-grant on behalf of the BCWRT, and the BCWRT has selected a preferred contractor to carry out the watershed study;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize staff to execute a contract with EarthTech to carry out the watershed study for which the Town has been awarded a Clean Water Management Trust Fund Stormwater Mini-grant.

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

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

ADDITIONAL APPOINTMENTS TO THE SMITH LEVEL ROAD TASK FORCE

On March 6, 2007, the Board of Aldermen made appointments to the Smith Level Road Task Force. The Board was asked to appoint the Transportation Advisory Board representatives and the Chatham County representatives to the task force.

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

A RESOLUTION MAKING ADDITIONAL APPOINTMENT TO THE SMITH LEVEL ROAD TASK FORCE
Resolution No. 152/2006-07

WHEREAS, on October 10, 2006, the Board of Aldermen agreed to form the Smith Level Road Task Force; and

WHEREAS, the Board of Aldermen directed that representatives from the Smith Level Road neighborhood, Town of Chapel Hill, Chatham County, Town of Pittsboro, Chapel Hill-Carrboro City Schools System (CCH CSS), the Durham-Carrboro-Chapel Hill Metropolitan Planning Organization (DCHC MPO), North Carolina Department of Transportation (NCDOT) – Divisions 7 and 8, Orange County, and the Orange County Sheriff's Department be invited to participate; and

WHEREAS, on March 6, 2007, the Board of Aldermen requested the Carrboro Transportation Advisory Board chair to appoint one or two members of that board to serve on the task force; and

WHEREAS, the chair of the Transportation Advisory Board appointed herself (Heidi Perry) and Tom High to serve on the task force; and

WHEREAS, the Chatham County Commissioners have appointed Mr. Bob Eby to represent Chatham County on the Smith Level Road Task Force;

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

Section 1. The Board of Aldermen hereby appoints Mr. Bob Eby, Chatham County resident; and Heidi Perry and Tom High of the Carrboro Transportation Advisory Board, to the Smith Level Road Task Force (SLRTF).

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 March 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

A REQUEST TO APPROVE A BUDGET AMENDMENT FOR FACILITATION SERVICES FROM THE DISPUTE SETTLEMENT CENTER

The Board was requested to approve a budget amendment transferring \$4,000 from contingency to the Planning budget to provide sufficient funds for the facilitation of the Northern Study Area Plan Implementation Review Committee (NSAPIRC) process to be held during the spring and summer of 2007.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2006-07 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

PRESENTATION BY “SIGNAL: THE SOUTHEAST ELECTRONIC MUSIC FESTIVAL”

The purpose of this item was to introduce and present to the Board of Aldermen “Signal: The Southeast Electronic Music Festival,” which will be seeking some financial support from the Board in the 08-09 budget.

Edward Williams, representing “Signal: The Southeast Electronic Music Festival” made a presentation. He stated that they would like to participate in the 2007 Carrboro Music Festival and asked the Town for sponsorship participation in the town’s 2008-09 Budget.

Alderman Coleman asked that the Board be sent announcements of the 2007 festival.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO WELCOME THE SOUTHEAST ELECTRONIC MUSIC FESTIVAL AND DIRECT THE TOWN’S ECONOMIC DEVELOPMENT DIRECTOR TO ASSIST THEM IN THEIR EFFORT. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

Alderman Zaffron asked that a link to the Southeast Electronic Music Festival’s web address be placed on the town’s website.

REPORT ON CHAPEL HILL TRANSIT OPERATIONS AND PLANNING

Steve Spade, Director of Transportation for Chapel Hill Transit, made a presentation on current operations and plans for upgrades and improvements.

Alderman Gist asked that schedules be at available at bus stops and stated that there are problems with the electronic schedule boards.

Mr. Slade stated that schedule holders will be placed at bus stops and he stated that improvements are being made to real-time bus information. In addition, the next bus (I believe it’s written NextBus) system is heavily used and they really need to keep it accurate.

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

A RESOLUTION RECEIVING A REPORT ON
CHAPEL HILL TRANSIT OPERATIONS AND PLANNING
Resolution No. 149/2006-07

WHEREAS, a presentation on the current operations and future plans for Chapel Hill Transit has been provided to the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen has received the report.

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

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH URBAN AMENITY SPACE REQUIREMENTS FOR DEVELOPMENT IN THE DOWNTOWN

The Town has received a request to amend the text of the Land Use Ordinance to revise the requirements regarding open space for all residential developments in the downtown. A draft ordinance that responds to this request was presented at the meeting.

Kendal Brown, one of the town’s Development Specialists, made the presentation.

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

**A RESOLUTION SETTING A PUBLIC HEARING ON AN AMENDMENT TO THE CARRBORO LUO THAT WOULD ESTABLISH URBAN AMENITY SPACE REQUIREMENTS FOR DEVELOPMENT IN THE DOWNTOWN
Resolution No. 146/2006-07**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing for April 24, 2007 to review a draft ordinance that would establish urban amenity space requirements for downtown Carrboro, and refers the draft ordinance to the Carrboro Planning Board and Orange County staff for consideration and recommendation prior to the public hearing date; and

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:

- | | |
|---|--|
| <input checked="" type="checkbox"/> <i>Appearance Commission</i> | <input checked="" type="checkbox"/> <i>Recreation and Parks Commission</i> |
| <input checked="" type="checkbox"/> <i>Transportation Advisory Board</i> | <input checked="" type="checkbox"/> <i>Northern Transition Area Advisory Committee</i> |
| <input checked="" type="checkbox"/> <i>Environmental Advisory Board</i> | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> <i>Economic Sustainability Commission</i> | <input type="checkbox"/> _____ |

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

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

Alderman Gist asked that neighborhood associations be notified of this public hearing, that notices be posted in the downtown, and that the staff look into the possibility of placing notices on buses.

Alderman Coleman reiterated his earlier request that updates to agenda items be given to the Board at meetings be posted on the website.

A REPORT ON THE ECOSYSTEM ENHANCEMENT PROGRAM'S BMP CONCEPTUAL PLAN FOR THE ROBERSON AND CARRBORO TRACKS SITES

The Morgan and Little Creek Local Watershed Plan process lead to the identification of a number of potential stormwater best management practice (BMP) sites in the watershed. The North Carolina Ecosystem Enhancement Program (EEP) conducted a feasibility study of two of the potential sites to determine if they would be cost effective for the Town to implement. The study was recently completed by EEP, and the results for the two sites have been summarized and presented by staff for the Board.

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

Mayor Chilton pointed out that the town and other surrounding municipalities will be responsible for retrofitting areas of town to reduce the phosphorus and nitrogen content of the town's runoff. He suggested that Carrboro, Chapel Hill and Orange County work on this collectively since there would be more physical space in the rural buffer where ponds, etc. could be built.

Will Autry stated that the town staff is asking that Orange County put a discussion of this matter on the March 29th Assembly of Governments agenda.

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

A RESOLUTION ACCEPTING A REPORT ON THE
ECOSYSTEM ENHANCEMENT PROGRAM'S BMP CONCEPTUAL PLANS
FOR ROBERSON AND CARRBORO TRACKS SITES
Resolution No. 144/2006-07

WHEREAS, the Carrboro Board of Aldermen have supported staff efforts to collaborate with the Ecosystem Enhancement Program in an effort to further the environmental goals of the town and improve water quality in Carrboro as well as downstream;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept this report.

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

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

DISCUSSION OF POSSIBLE REVISIONS TO THE DRAFT ORDINANCE TO ESTABLISH A SIX-MONTH MORATORIUM ON MANY DEVELOPMENT PROJECTS IN THE NORTHERN STUDY AREA

On February 20, the Board of Aldermen set a public hearing to receive public comment on a draft ordinance establishing a six-month moratorium on rezonings and special and conditional use permit applications for residential development. Board members have expressed an interest in modifying the effective date of the ordinance. A resolution providing an opportunity to specify any follow-up was available.

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

The Board chose not to make any revisions to the draft ordinance.

DISCUSSION OF AN APPOINTMENT TO THE PLANNING BOARD

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

A RESOLUTION MAKING AN APPOINTMENT TO THE
PLANNING BOARD
Resolution No. 153/2006-07

WHEREAS, there is currently one vacant in-town seat on the Planning Board; and

WHEREAS, the Chair of the Planning Board has reviewed the applications from interested citizens.

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

Section 1. The Board of Aldermen hereby appoints Sharon Cook to the Planning Board. This term shall expire in February 2009

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 March 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

ADDITIONAL APPOINTMENTS TO THE NORTHERN STUDY AREA PLAN IMPLEMENTATION REVIEW COMMITTEE

On March 6, 2007, the Board of Aldermen established the Northern Study Area Implementation Review Committee (NSAPIRC) and made a number of appointments. The Board was asked to appoint additional advisory board and, as available, other community members to serve on the committee.

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

A RESOLUTION MAKING ADDITIONAL APPOINTMENTS TO THE NORTHERN STUDY AREA PLAN IMPLEMENTATION REVIEW COMMITTEE

Resolution No. 156/2006-07

WHEREAS, the Board of Aldermen has established a process to review and update the facilitated Small Area Plan for Carrboro’s Northern Study Area (NSA Plan); and

WHEREAS, an implementation review committee would allow advisory board members, citizens and neighboring jurisdictions to participate in the review and update process;

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

Section 1. The Board of Aldermen hereby appoints the following advisory board representatives to the Northern Study Area Plan Implementation Review Committee:

Advisory Board of Committee	Representative
New Horizons Task Force	Peggy Vincent
Northern Transition Area Advisory Committee	Jay Bryan

Section 2. The Board of Aldermen hereby appoints the following community members to the NSAPIRC.

Community Member	Representative
At-large Carrboro Resident	Amy Jeroloman
At-large Carrboro Resident	Jim Rabinowitz
At-large Carrboro Resident Town of Chapel Hill	
Orange County representative(s)	

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 20th day of March 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, John Herrera

SHEARON HARRIS NUCLEAR POWER PLANT FIRE SAFETY EVENT

Alderman Coleman reminded the Board that the fire safety event for the Shearon Harris Nuclear Power Plant will be held at the Big Barn at Farringdon on Thursday, March 22nd at 7:00 p.m.

WOMEN IN HISTORY RECOGNITION

Alderman Haven-O'Donnell mentioned an article in today's edition of the News and Observer recognizing women in history. She stated that Carrboro's 2007 Volunteer of the Year, Jackie Helvey, was mentioned in the article.

2007 SEASON OF THE FARMERS' MARKET

Alderman Gist announced that the 2007 season of the Carrboro Farmers' Market would open on Saturday, March 24th.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:25 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, HERRERA)

Mayor

Town Clerk