

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 24, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman (arrived at 7:37 p.m.)
	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	Joal Hall Broun
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PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR RIDE OF SILENCE

The purpose of this agenda item was to receive public input on a Street Closing Permit Application submitted by JoAnna Younts for the temporary usage of streets from 7:00 pm to 8:00 pm on Wednesday, May 16, 2007 to accommodate the *Ride of Silence*.

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

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS TO ACCOMMODATE THE RIDE OF SILENCE
Resolution No. 170/2006-07

Section 1. The following streets shall be temporarily closed and used Wednesday, May, 16 2007 from 7:00 pm to 8:00 pm to accommodate the Ride of Silence:

1. Old Fayetteville Road (McDougle Elementary) to Hillsborough Street
2. Hillsborough Road to N. Greensboro Street
3. N. Greensboro Street to E. Weaver Street
4. E. Weaver Street to E. Main Street
5. E. Main Street to E. Weaver Street
6. E. Weaver Street to N. Greensboro Street
7. N. Greensboro Street to Hillsborough Street
8. Hillsborough back to (McDougle Elementary) to Old Fayetteville Road

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 traffic controls.

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, of the contents of any resolution passed.

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 24th day of April 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun, Dan Coleman

PUBLIC HEARING ON THE REQUEST TO PERMANENTLY CLOSE THE TODD STREET RIGHT-OF-WAY

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

George Seiz, the town's Public Works Director, made the presentation.

[Alderman Coleman arrived at the meeting.]

Nathan Harms, speaking on behalf of the property owners, stated that they are asking that the right-of-way may be closed so that the homeowners' association may maintain the parking lot and assign parking spaces to residents. He stated that they had agreed to grant an easement to the town to allow for pedestrian and bike access.

Alderman Gist asked that all of the homeowners know about the pedestrian and bike easement.

Mayor Chilton stated that the public information filing would have to be amended to reflect the pedestrian and bike easement.

James Carnahan stated that he opposed this closing and would like for the town to keep this street as part of its infrastructure. He stated that Todd Street could be extended at some point either to Shelton Street or straight out to Hillsborough Road. In addition, he said that there may come a time when new school facilities at Carrboro Elementary would be built whose access would be greatly enhanced by having a street connection via Todd Street to Greensboro Street.

Bob Kirschner spoke in support of the closing and suggested that a grassy area be put at the end of Todd Street where it connects to Greensboro Street to make a clear separation between the parking lot and street.

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

A RESOLUTION ORDERING THE CLOSING OF A THE 46 FOOT WIDE SECTION OF RIGHT-OF-WAY FOR TODD STREET, ADJACENT TO THE FOLLOWING TOWN PROPERTIES:

PIN: 9778-78-1734 and PIN: 9778-78-3622

Resolution No. 172/2006-07

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

WHEREAS, the Board of Aldermen at its March 20, 2007 meeting adopted a resolution declaring its intention to close the 46 foot wide public street right-of-way for Todd street adjacent to the following two properties: PIN: 9778-78-1734 and PIN: 9778-78-3622.

WHEREAS, in this same resolution the Board of Aldermen declared its intent to reserve its right, title, and interest in public access for pedestrians and bicyclists, and interest in any utility improvements or easements within the 46 foot wide portion of 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.

WHEREAS, in this same resolution the Board of Aldermen set a public hearing on this question for April 24, 2007 at 7:30 pm in the Town Hall; and

WHEREAS, a copy of this resolution was published in the Chapel Hill Herald newspaper on March 25, April 1, 8, 15 of 2007 and was sent by certified mail to the owners of property adjoining the street and a notice of the public hearing was posted in two places along said street, all in accordance with G.S. 160A-299; and

WHEREAS, the Board of Aldermen duly held a public hearing to consider this street closing in question at its regularly scheduled meeting on April 24, 2007;

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

Section 1. Having heard all of the testimony presented at the public hearing on the proposed closing, the Board concludes that this street closing is not contrary to the public interest and that no individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to their property.

Section 2. Therefore, the Board orders that the 46 foot wide portion of right-of-way for Todd Street adjacent to following two properties: PIN: 9778-78-1734 and PIN: 9778-78-3622, is hereby closed.

Section 3. The Board of Aldermen hereby declares that the Town reserves its right, title, and interest in public access for pedestrians and bicyclists, and any utility improvements or easements within the 46 foot right of way declared closed in Section 2 of this same Resolution. This right, title and interest shall extend to utility improvements or easements owned by private utilities which at the time of this 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 4. A certified copy of this order shall be filed in the Office of the Orange County Register of Deeds.

Section 5. All right, title and interest, excluding utility improvements and easements in the 46 foot wide right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the street right-of-way identified by Parcel Identification Numbers 9778-78-1734 and 9778-78-3622 according to county tax records, and the title of such landowners identified by Parcel Identification Numbers 9778-78-1734 and 9778-78-3622 shall extend as indicated on the Holland Land Surveying, Inc. plat entitled Recombination Survey and Private storm sewer easement, OWASA Waster & Sanitary sewer easement survey for The Flats Condominiums dated February 9, 2007.

Section 6. Any person aggrieved by this street right-of-way closing may appeal this order to the General Court of Justice within thirty (30) days after its adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of April 2007:

Ayes: Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera,

Noes: Randee Haven-O'Donnell, Alex Zaffron

Absent or Excused: Joal Hall Broun

PUBLIC HEARING ON THE VOLUNTARY ANNEXATION OF THE ELEMENTARY SCHOOL #10 PROPERTY LOCATED AT 215 EUBANKS ROAD

The purpose of this item was to receive citizens' comments regarding a petition for the voluntary annexation of the Elementary School #10 property located at 215 Eubanks Road.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING ELEMENTARY SCHOOL #10 PROPERTY LOCATED AT 215 EUBANKS ROAD, PROPERTY OF ORANGE COUNTY." VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

PUBLIC HEARING TO REPEAL RESOLUTION NO. 10/90-91, ESTABLISHING A NEW VERIFIABLE PERCENTAGE GOAL, AND APPROVING MWBE OUTREACH PLAN AND GUIDELINES

The purpose of this agenda item was to repeal Resolution No. 10/90-91 and establish a new verifiable percentage goal for participation by minority businesses in the awarding of building construction contracts pursuant to N.C.G.S. 143-128.2. Revised MWBE Outreach Plan and Guidelines are also included for Board approval.

Mike Brough made the presentation.

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

RESOLUTION FOR THE TOWN OF CARRBORO TO ADOPT OUTREACH PLAN AND TO ESTABLISH VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY

MINORITY BUSINESSES IN THE AWARDING OF BUILDING CONSTRUCTION CONTRACTS
PURSUANT TO N.C.G.S. 143-128.2
Resolution No. 171/2006-07

WHEREAS, the North Carolina General Assembly enacted Session Law 2001– 496, Senate Bill 914 to enhance and improve the good faith efforts to recruit and select minority businesses for participation in public building construction or repair contracts by adding N.C.G.S. 143-128.2; and

WHEREAS, N.C.G.S. 143-128.2 requires each city, county, or other local public entity to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects costing \$300,000 or more; and

WHEREAS, N.C.G.S. 143-128.2(b) requires a public entity awarding a building contract where the total cost equals or exceeds \$300,000 to establish, prior to solicitation of bids, good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects; and

WHEREAS, N.C.G.S. 143-128.2(e)(1) requires a public entity awarding a building construction or repair contract where the total cost exceeds \$300,000, prior to awarding a contract, to develop and implement a minority business participation outreach plan; and

WHEREAS, notice of the public hearing was duly published in the Chapel Hill Herald on April 15, 2007 and the required public hearing was held on April 24, 2007;

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

1. With respect to those building projects where the Town of Carrboro is required by G.S. 143-128.2 to have a verifiable percentage goal for participation by minority businesses in the total value of work for such building projects, the town's verifiable percentage goal shall be 10 percent.
2. The Town of Carrboro shall follow the Minority-owned, Woman-owned, Disadvantaged-owned Outreach Plan and Guidelines for minority business participation in building construction or repair contracts.
3. This resolution shall become effective upon its adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of April 2007:

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

Noes: None

Absent or Excused: Joal Hall Broun

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 8:20 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

Mayor

Town Clerk