A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 15, 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

Randee Haven-O'Donnell

Town Manager Steven E. Stewart
Town Attorney Michael B. Brough
Town Clerk Sarah C. Williamson

Absent:

Alderman Alex Zaffron

PROCLAMATION ISSUED

Mayor Chilton issued a proclamation proclaiming the week of May 12th as National Tourism Week in the Town of Carrboro.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MAY 1 AND 8, 2007 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)

REQUEST TO RESET THE PUBLIC HEARING ON THE LAND USE ORDINANCE TEXT AMENDMENT TO REVISE PROVISIONS RELATED TO DAY CARE HOMES AND FACILITIES

The Board of Aldermen held a worksession on March 13, 2007 to further discuss a draft ordinance regarding a text amendment of the Land Use Ordinance to revise several current restrictions on child day care homes and facilities. At the worksession, the Board requested several revisions to the draft ordinance, including expanding its application to senior citizens day cares. The Board set a public hearing for the revised ordinance for May 22, 2007. The town staff requested that this public hearing be rescheduled for June 26, 2007.

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

A RESOLUTION RESCHEDULING PUBLIC HEARING ON LUO TEXT AMENDMENT REGARDING PROVISIONS RELATED TO DAY CARE HOMES AND FACILITIES

Resolution No. 182/2006-07

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

WHEREAS, rescheduling the public hearing to June 26, 2007 would allow time for notifying single-family neighborhoods and for review by advisory boards,

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing for June 26, 2007 to review a draft ordinance and refers the draft ordinance to the Carrboro Planning Board and Orange County Board of Commissioners 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:

\boxtimes	Appearance Commission		Recreation and Parks Commission
	Transportation Advisory Board		Northern Transition Area Advisory Committee
	Environmental Advisory Board		Northern Study Area Plan Implementation Review Committee
	Economic Sustainability Commission		<u></u>
The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of May 2007:			
Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell,			
Noes: None			
Absent or Excused: Alex Zaffron			

<u>INTERLOCAL COOPERATION AGREEMENT – FEDERAL TRANSPORTATION PLANNING</u> GRANTS

The City of Durham serves as the Lead Planning Agency for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) and administers and manages many transportation planning and construction projects for the region. An interlocal agreement is needed to insure the transfer of Carrboro's share of matching funds to the City of Durham, in accordance with decisions made by the DCHCMPO.

Mr. Stewart asked that the Board delay action on this matter.

REQUEST TO SET A PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO AFFORDABLE HOUSING

Over the past few years the Board of Aldermen has received comments associated with the affordable housing density bonus provisions of the Land Use Ordinance. Requests and suggestions for revisions have been offered. A draft ordinance that would, if adopted, modify the density bonus provisions and revise the manner in which consistency with the town's affordable housing goal is determined, has been prepared. It is necessary for the

Board of Aldermen to hold a public hearing and to refer the draft ordinance to the Planning Board and Orange County staff prior to taking other action. A resolution setting a public hearing for June 26, 2007 was available for the Board's use.

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

A RESOLUTION CALLING A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS REVISING THE AFFORDABLE HOUSING DENSITY BONUS PROVISIONS AND TO PROVIDE ALTERNATIVE METHODS FOR DEVELOPERS TO FULFILL THE TOWN'S AFFORDABLE HOUSING POLICY GOAL

Resolution No. 185/2006-07

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

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on June 26, 2007 to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Revise the Affordable Housing Density Bonus Provisions and to Provide Alternative Methods for Developers to Fulfill the Town's Affordable Housing Policy Goal

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

A REQUEST TO ADOPT A RESOLUTION AWARDING A WEAPON TO A RETIRING POLICE OFFICER

Police Officer I Bob Murdaugh will retire from the Town of Carrboro Police Department on May 31, 2007 after 30 years of service. The Police Department would like to award Officer Murdaugh his service side arm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen was requested to adopt a resolution awarding the service side arm to Officer Murdaugh.

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

A RESOLUTION AWARDING A SERVICE SIDE ARM TO RETIRING POLICE OFFICER Resolution No. 192/2006-07

WHEREAS, Police Officer Robert Murdaugh is retiring from the Town of Carrboro Police Department on May 31, 2007 after thirty years of service; and

Carrboro Board of Aldermen Page 3 May 15, 2007

WHEREAS, Officer Murdaugh has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

WHEREAS, North Carolina General Statute 20-187.2 allows the governing body of a law enforcement agency to award to a retiring member, upon request, the service side arm of the retiring member;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt this resolution awarding the service side arm to Officer Robert Murdaugh.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

CERTIFICATE OF APPRECIATION PRESENTED

Mayor Chilton presented a Certificate of Appreciation to Jon Wilner for his service to the town while serving on the Arts Committee.

CHARGE ISSUED

The Town Clerk issued a charge to Mary Rabinowitz, a recent appointee to the Environmental Advisory Board.

RECEIPT OF THE TREE CITY USA AWARD

The Town of Carrboro has been named a Tree City USA by The National Arbor Day foundation to honor its commitment to its community forest. It is the 23rd year Carrboro has received this national recognition. Student winners of the poster contest attended the meeting and were recognized by the Town. Posters were on display.

George Seiz, the town's Public Works Director, made the presentation. He publicly thanked the group of volunteers who cleaned up the Adams Tract on Earth Day. He also recognized the winners of this year's Arbor Day poster contest: Gerardo Alvarez (1st place), Elijah Long (2nd place), and Shera Chellani (3rd place).

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

A RESOLUTION ACCEPTING THE 2006 TREE CITY USA AWARD Resolution No. 183/2006-07

BE IT RESOLVED that the Carrboro Board of Aldermen hereby receive the national recognition as Tree City USA for the twenty-third year.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

PRESENTATION ON PROPOSED JORDAN LAKE NUTRIENT MANAGEMENT RULES

Rules establishing a Nutrient Management Strategy and Total Maximum Daily Load are being developed for the B. Everett Jordan Reservoir (Jordan Lake) to satisfy state Nutrient Sensitive Water requirements and federally-mandated pollutant limits. The Environmental Management Commission has approved the draft rules proceeding to public hearing. One public hearing has been scheduled for July 12th at the Century Center.

Syd Miller, Water Resources Program Manager with Triangle J Council of Governments, made the presentation. He explained that there are two ways that the loading allocation for non-point sources could be approached. One is uniform reduction across the watershed. The state is currently considering a 35% uniform reduction in the watershed. The other method is an allocation of discharge capacity by land area so that areas which have already done more to protect their waters will have to reduce less than areas which are producing lots of nutrient pollution.

Alderman Gist suggested that the Board consider asking that a surcharge be added to the price of fertilizer, herbicides and pesticides to assist with correcting the problems.

Alderman Broun expressed concern that Carrboro was being required to do the same thing as other municipalities despite the fact that Carrboro has 40% open space requirements among other regulations regarding run-off.

The Board requested that the town staff draft comments on the proposed rules for the Board's consideration prior to the Board's summer break.

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

A RESOLUTION ACCEPTING THE REPORT ON THE PRESENTATION ON PROPOSED JORDAN LAKE NUTRIENT MANAGEMENT RULES Resolution No. 186/2006-07

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

WHEREAS, Syd Miller of TJCOG has prepared and presented materials related to the pending rules for Jordan Lake.

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

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

PRESENTATION ON PROPOSED WATER AND SEWER RATE INCREASES UNDER CONSIDERATION BY THE OWASA BOARD OF DIRECTORS

The purpose of this agenda item is for OWASA officials to give a more detailed explanation of the proposed water and sewer rate increases as well as changes in the rate structure which are being considered by the OWASA Board of Directors.

Mac Clarke, Chair of the OWASA Board of Directors, answered the Board's questions.

Alderman Broun stated that she felt the increases should be larger for larger users of water.

Alderman Gist stated that she would like for the town and OWASA to discourage lawns.

Alderman Coleman encouraged OWASA to inform customers of opportunities for water conservation, asked whether OWASA could provide grants to affordable housing agencies, and suggested that the town staff consider adding water and sewer connectivity fees as an explicit, allowable use of affordable housing trust funds.

Alderman Haven-O'Donnell asked that OWASA encourage customers to collect rainwater for reuse.

Alderman Broun expressed concern about the lack of a cost break for water and sewer for affordable housing.

Alderman Coleman suggested that this matter be discussed at the next Assembly of Governments meeting.

Mayor Chilton stated that he would discuss this with the Mayors and Chair of the County Commissioners.

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

A RESOLUTION ACCEPTING THE REPORT FROM OWASA ON PROPOSED INCREASED WATER AND SEWER RATES Resolution No. 184/2006-07

WHEREAS, the OWASA Board of Directors is considering raising water and sewer rates for all customers in addition to changing the rate structure; and

WHEREAS, OWASA officials wish Town officials to have the opportunity to comment on and ask questions about these changes; and

WHEREAS, OWASA officials have presented this report and answered these questions.

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

Section 1. The Carrboro Board of Aldermen does hereby accept this report from OWASA.

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 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

REVIEW OF REVISED PLAN FOR SMITH LEVEL ROAD TRANSPORTATION IMPROVEMENTS

Transportation Improvements to Smith Level Road have been included in the Town's Local Transportation Improvement Program (TIP) Priority list and the State TIP for many years. Meetings and correspondence with NCDOT regarding the cross section and design elements that are to be included in the project have been ongoing. A revised plan has been provided, per recent discussions. A resolution specifying next steps was provided for the Board's use.

Mr. Stewart introduced Adena Messenger, the town's new Transportation Planner.

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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman John Herrera.

A RESOLUTION SPECIFYING DESIRED FOLLOW-UP ASSOCIATED WITH THE REVISED PLAN FOR TRANSPORTATION IMPROVEMENTS FOR SMITH LEVEL ROAD Resolution No. 188/2006-07

WHEREAS, the Town of Carrboro is an active participant in the review of regional transportation policy, and;

WHEREAS, the Town has been seeking transportation improvements, consistent with watershed protection, housing diversity and transportation choices in relation to Smith Level Road for many years, and;

WHEREAS, the North Carolina Department of Transportation (NCDOT), has prepared a revised plan for improvements along Smith Level Road from the Morgan Creek bridge to Rock Haven Road.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen specify any desired actions regarding the proposed improvements:

- 1. That the revised plans be sent to the Transportation Advisory Board, Smith Level Road Task Force and Chapel Hill-Carrboro City School Board for comment.
- 2. That affected residents of Smith Level Road be notified of upcoming meetings regarding the revised plan.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

PRESENTATION OF THE TRANSPORTATION IMPROVEMENT PROGRAM PRIORITY LIST FOR FY 2009-2015

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has initiated the preparation of the 2009-2015 Transportation Improvement Program (TIP). At the beginning of this process, local governments are requested to provide a local priority list of projects.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REFER THE TIP TO THE TRANSPORTATION ADVISORY BOARD FOR REVIEW AND COMMENTS. VOTE: AFFIRMATIVE SIX, ABENT ONE (ZAFFRON)

<u>DISCUSSION OF MAKING AN APPOINTMENT TO THE ROGERS ROAD COMMUNITY</u> ENHANCEMENT AND MONITORING TASK FORCE

The Orange County Board of Commissioners has asked that the Town of Carrboro make a recommendation for appointment to the newly established Rogers Road Community Enhancement and Monitoring Task Force. The Town of Carrboro is invited to recommend the appointment of one (1) representative (elected or non-elected resident). The town staff recommended that the Board adopt a resolution recommending an appointment to this task force.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Dan Coleman.

A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE ROGERS ROAD COMMUNITY ENHANCEMENT AND MONORITING TASK FORCE Resolution No. 193/2006-07

WHEREAS, the Orange County Board of Commissioners has established a Rogers Road Community Enhancement and Monitoring Task Force whose purpose is to develop and recommend a plan to the County Commissioners for the enhancement of the living environment in the historic Rogers Road community and to monitor the implementation of the plan; and

WHEREAS, the Task Force includes one (1) representative from the Town of Carrboro; and

WHEREAS, applications have been received from: Daniel Amoni, Tracy Kuhlman and Susan Simone.

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

Section 1. The Board hereby recommends that the Orange County Board of Commissioners appoint Jacquie Gist and Randee Haven O'Donnell to serve as the Town of Carrboro's representative on the Rogers Road Community Enhancement and Monitoring Task Force.

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 15th day of May 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

BUS SERVICE ON ROGERS ROAD

Alderman Coleman reported that the Chapel Hill Transportation Director had discovered that Orange County bus service goes down Rogers Road and that they will be discussing making stops on Rogers Road and coordinating a connection with Chapel Hill Transit.

Alderman Broun asked why the route to Chapel Hill High School had been terminated.

Alderman Coleman stated that it was being proposed to be terminated because of the low ridership, but there should be a public hearing to receive comment on that proposal.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 10:20 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)