

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 18, 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
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

REQUEST FROM CITIZEN

Brian Voyce called for the voluntary suspension of Alderman Coleman's official duties on the Board of Aldermen until the resolution of his charge of assault with a deadly weapon upon a Carrboro sports volunteer at Anderson Park. He asked Mayor Chilton to ask Alderman Coleman to step down. He also publicly apologized to the alleged victim in this case.

RESOLUTION IN SUPPORT OF AN AMTRAK STOP IN HILLSBOROUGH

Jenny Rogers, a resident of 103 Keith Road and representing The Village Project, stated that Car Free Day will be occurring this Saturday. She also asked the Board of Aldermen to adopt a resolution in support of rail service in Orange County.

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

**A RESOLUTION IN SUPPORT OF AN AMTRAK STOP IN HILLSBOROUGH, N.C.
Resolution No. 21/2007-08**

WHEREAS Orange County currently has four Amtrak passenger trains pass through Hillsborough each day, with none of those trains stopping to pick up or drop off passengers, and

WHEREAS Orange County municipal governments have made significant commitments to non-automobile transportation above and beyond other North Carolina cities, towns and counties by supporting fare-free public transportation, sidewalk construction bonds, greenways and bike facilities, and

WHEREAS Orange County residents receive the inconveniences of this train service such as noise and intermittently stopped traffic at grade crossings, while receiving none of the numerous benefits, and

WHEREAS Over 300 Hillsborough and Orange County citizens have recently signed a petition in support of putting a rail station in Hillsborough, from which they would like to travel to New York, Washington, DC, Charlotte, Greensboro and other destinations, and

WHEREAS AMTRAK and the State of NC are making continuous improvements on this line that make it faster, more reliable and even more cost competitive with car travel with goals to increase ridership, and

WHEREAS Hillsborough has just received a designation as a “cool city” for its commitment to reducing greenhouse gas production, and

WHEREAS Orange County, the Towns of Chapel Hill and Carrboro, and UNC have committed to a 60% reduction in carbon emissions which are largely automobile exhaust-related locally and train travel can help reduce automobile travel, and

WHEREAS The President of the United States recently announced a national goal to cut U.S. gasoline consumption by 20 percent over the next ten years;

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

Section 1. The Board of Aldermen strongly urges Governor Easley, NCDOT and Amtrak to:

- Establish an un-staffed temporary rail stop in Hillsborough to be served by all trains passing through Hillsborough by September 2009
- Support the designation of a site for a permanent train station in Hillsborough that could be served by intercity passenger rail trains and any potential commuter or regional rail services that may develop in the Triangle in the future
- Identify and reserve state funds to move both of these projects forward, assuming matching local public and/or private contributions are identified.

Section 2. The Board offers its support in a manner consistent with the Town of Hillsborough’s proposed plans.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 18th day of September 2007:

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

Noes: None

Absent or Excused: None

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE SEPTEMBER 4 AND 11, 2007 MINUTES. VOTE: AFFIRMATIVE ALL

AWARD OF CONTRACT TO PERFORM SALES TAX REALLOCATION AUDIT

The Board of Aldermen was requested to authorize the Town Manager to execute a contractual arrangement with Robert S. Segal, CPA to audit sales tax reports with the interest of netting additional sales tax revenue for the Town.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION AWARDING THE CONTRACT FOR SALES TAX REALLOCATION
AUDIT TO ROBERT S. SEGAL, CPA PA
Resolution No. 15/2007-08

BE IT RESOLVED by the Board of Aldermen that a contract is awarded for the following:

Robert S. Segal, CPA, PA for the sales tax reallocation audit.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 18th day of September 2007:

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

Noes: None

Absent or Excused: None

REQUEST TO CANCEL THE OCTOBER 9TH AND NOVEMBER 6TH BOARD MEETINGS

The purpose of this item was to request that the Board of Aldermen cancel the October 9th and November 6th Board meetings.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION CANCELING THE OCTOBER 9TH AND NOVEMBER 6, 2007
BOARD MEETINGS
Resolution No.14/2007-08

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

Section 1. The Board of Aldermen hereby cancels its meetings scheduled for October 9 and November 6, 2007.

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 18th day of September 2007:

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

Noes: None

Absent or Excused: None

A REQUEST TO ADOPT A BUDGET AMENDMENT

A budget amendment is required to recognize the \$5,845 grant that has been awarded from the ABC Board to the Police Department for equipment that will be used when conducting investigations involving alcohol violations.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2007-08 BUDGET ORDINANCE."
VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT AN ORDINANCE REPEALING SECTION 5-15 OF THE CARRBORO TOWN CODE

The Town Attorney has reviewed Section 5-15 (Curfew Ordinance) of the Carrboro Town Code and has determined that the ordinance has significant problems and should not be enforced by the Town. The town staff recommended adoption of an ordinance repealing this section of the Town Code.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE REPEALING SECTION 5-15 OF THE TOWN CODE."
VOTE: AFFIRMATIVE ALL

APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD

The Chair of the Transportation Advisory Board (TAB) recommended that Kathryn Schwing be appointed to the TAB. It was recommended that the Board consider adopting a resolution making this appointment.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION MAKING AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD Resolution No. 20/2007-08

WHEREAS, there is currently one (1) vacant seat on the Transportation Advisory Board (TAB); and

WHEREAS, this position has been advertised and Austin Brown and Kathryn Schwing have submitted applications expressing interest in serving on the TAB; and

WHEREAS, these applications were forwarded to the Chair of the TAB for review and consideration; and

WHEREAS, Heidi Perry, Chair of the TAB, has reviewed these applications and is recommending that Kathryn Schwing be appointed to the vacant seat.

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

Section 1. The Board of Aldermen hereby appoints Kathryn Schwing to the Transportation Advisory Board. Her 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 18th day of September 2007:

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

Noes: None

Absent or Excused: None

PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST FOR THE COMMERCIAL DEVELOPMENT LOCATED AT 405 JONES FERRY ROAD

Northwest Property Group is requesting a conditional use permit for a commercial development consisting of three (3) buildings. One building (proposed grocery store) will be 52,250 square feet in size and the second building (labeled as Building A), consisting of eleven (11) individual shops, will be 17,550 square feet in size. The third building (labeled as Building B), consisting of five (5) individual shops, will be 7,900 square feet in size. It was necessary for the Board of Aldermen to hold a public hearing before taking action on this matter.

James Thomas, one of the town's Development Specialists, was sworn in and made the presentation.

George Retschle with Ballentine and Associates was sworn in. He stated that Harris Teeter and other shops will be located in the shopping center and explained other features of the project. He stated that NCDOT will not allow them to put a traffic signal at the Jones Ferry/Barnes Street intersection. He stated that they are in complete agreement with staff conditions. He stated that they cannot meet some of the advisory board recommendations, including the recommendation they be required to treat 100% of the stormwater coming off their property, but would meet the town's requirements. He submitted a letter from Harris Teeter responding to the Transportation Advisory Board's recommendation that the Barnes Street access to this property be ingress only. That letter indicated that Harris Teeter would not proceed with this project without two means of ingress and egress.

Bruce Ballentine was sworn in. He responded to a question about locating a restaurant in the shopping center. He stated that their property is zoned M-1 and restaurants are not allowed in that zoning district. He stated that they would like to come back to the Board at a later date to request a land use change to allow restaurants in M-1. He stated that Harris Teeter plans to keep their Carr Mill store open.

Robert Dow, a resident of 205 Barnes St. was sworn. He spoke about roads impact, connectivity and integration for sidewalk access. He stated that he felt the number of bicycle racks is insufficient and expressed concern about the loss of trees and noise pollution. He stated that there are already three grocery stores within a half mile of this site with other new commercial space proposed for the downtown. In addition, he stated that this project will add to traffic on Jones Ferry Road.

Lillie Holleman, a resident of 211 Barnes St. was sworn. She stated that this development would create more traffic problems in her neighborhood. She stated that they had lived in this neighborhood over 40 years.

Lindsay Griffin, a resident of 211 Barnes St., was sworn. He expressed concern about the Barnes St. access and suggested that that access be moved up away from the neighborhood. She also expressed concern about whether the Harris Teeter would be open 24 hours, and spoke in favor of green space in the back corner of this property and spoke in favor of a restaurant in this shopping center.

Esther McCauley, a resident of 207 Barnes Street, was sworn in. She stated that she was not concerned about a grocery store, but is concerned about her neighborhood. She stated that she had been involved in two accidents at the Barnes/Jones Ferry Road intersection.

Frank Horton, a resident of 200 Prince Street, was sworn in. He stated that Harris Teeter could close their store at Car Mill when this store opens, and asked that the stormwater from this development not be passed on to the neighborhood.

Fay Farrar, a resident of 202 Prince Street, was sworn in. He stated that there are 48 single family homes in the Lincoln Park neighborhood and stated that he has been involved in an accident at the Barnes/Jones Ferry Rd. intersection. He urged the Board to deny the permit because of the dangerous traffic pattern.

Austin Brown, a resident of 310 Blueridge Rd., was sworn in. He suggested cutting back the retaining wall so that cars do not have to pull up to the crosswalk, and asked for more bicycle racks.

Ellen Perry was sworn in. She asked that a crosswalk be installed at the Jones Ferry/Barnes St. intersection, and asked that the bus stop not be moved. She also asked that a bench be installed at the bus stop.

Robert Kirschner was sworn in. He spoke in support of the additional commercial development in Carrboro. He also spoke in favor of the dual entrance onto Barnes Street, and stated that he would support a roundabout at that intersection if a traffic light is not installed. He expressed concern about stormwater runoff and asked that it be controlled by slow release. He also suggested that speed tables be installed on Barnes St.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROWN TO CONTINUE THIS PUBLIC HEARING TO SEPTEMBER 25, 2007, AND ASKED FOR THE FOLLOWING:

1. How the town's stormwater regulations apply to this project.
2. That the applicant respond to the advisory board recommendations and consider moving the Barnes Street access closer to Jones Ferry Road.
3. Follow up with NCDOT about installing a traffic signal at the Jones Ferry/Barnes Street intersection.
4. Review Harris Teeter's lease agreement with Carr Mill Mall.

VOTE: AFFIRMATIVE ALL

REPORT ON ISSUES AT THE INTERSECTION OF DAVIE/JONES FERRY ROADS

The purpose of this item was for town staff to present the issues raised at a community meeting held on Thursday, July 26, 2007. This meeting was requested by neighbors to discuss issues associated with the presence of large groups of people, many of them day laborers, at or near the intersection of Davie Road and Jones Ferry Road.

James Harris, the town's Community and Economic Development Director, made the presentation.

Chief Carolyn Hutchison was present and answered Board questions.

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

A RESOLUTION RECEIVING THE REPORT ON ISSUES AT THE INTERSECTION OF DAVIE/JONES FERRY ROADS

WHEREAS the Board of Aldermen has expressed interest in the problems occurring at and near the corner of Davie Rd. and Jones Ferry Rd., and

WHEREAS the Town staff have met with neighbors in this area to discuss their issues, and

WHEREAS Town staff have prepared a report pursuant to those discussions,

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

Section 1. The Board of Aldermen does hereby receive said report.

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 18th day of September 2007:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION APPROVING AN ACTION PLAN FOR THE AREA SURROUNDING
THE INTERSECTION OF DAVIE AND JONES FERRY ROADS

Resolution No. 16/2007-08

WHEREAS the Board of Aldermen hears the complaints of the neighbors in the area surrounding this intersection, and

WHEREAS the Board of Aldermen wish to do all they can to keep all parts of Carrboro as safe, clean, and hospitable as possible, and

WHEREAS the Board of Aldermen also wish to assist different segments of the population in co-existing as happily as possible,

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

Section 1. The Board hereby approves the following action plan regarding the following issues in the area of the intersection of Davie and Jones Ferry Roads:

- 1. Loitering** – Continue increased police presence and set public hearing to consider adoption of anti-lingering ordinance. Look at the option of attempting to move the day-laborer pick-up spot.

2. **Trash/litter accumulation** – Continue with additional trash container at the day laborer pick-up location on a trial basis. Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to keep it clean.
3. **Public urination** – Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to halt unacceptable and illegal behavior.
4. **Public consumption of alcohol** – Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to halt unacceptable and illegal behavior. Talk with owner of Kangaroo as well as ABC Board to see what other solutions might be available.
5. **Trespassing** – Encourage residents to call 911 if someone is trespassing on their property. Look into town's authority to enter into "act-as-agent" agreements with residential property owners.
6. **Increased potential for crime** – Continue with increased police presence.
7. **Speeding traffic** – Inform neighbors of the process for studying whether traffic calming devices are appropriate for that area.
8. **Harassment / intimidation** – Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to halt unacceptable and/or illegal behavior. Get a legal opinion regarding the applicability of existing hate crime laws to some of the things being said to (primarily female) passersby at that intersection.
9. **Contact with Contractors** – Contact local homebuilders associations to see what informal influence they might try to have on some of the negative behaviors being exhibited by some of those lingering at this intersection.

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 18th day of September 2007:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER AN ANTI-LINGERING
ORDINANCE FOR THE AREA SURROUNDING THE INTERSECTION
OF DAVIE ROAD AND JONES FERRY ROAD
Resolution No. 18/2007-08

WHEREAS the Carrboro Board of Aldermen wish to keep all of the town safe and clean for the enjoyment and use of all, and

WHEREAS there have been long-standing and well documented concerns based on the lingering of individuals at the corner of Davie Road and Jones Ferry Road beyond the hours specified in the draft ordinance.

WHEREAS a time-limited anti-lingering ordinance is one of the tools the Board wishes to consider using to make sure this area stays safe and clean,

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

Section 1. The Board sets a public hearing for October 23, 2007 to consider the implementation of an anti-lingering ordinance for the area surrounding the intersection of Davie and Jones Ferry Roads.

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 18th day of September 2007:

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

Noes: None

Absent or Excused: None

**REVIEW OF AFFORDABLE HOUSING FOR THE ROBERSON SQUARE MIXED USE BUILDING
CONDITIONAL USE PERMIT PROJECT**

Because the Roberson Square Mixed Use Building project has not committed to reserving 15% of its units as affordable, Section 15-54.1 of the Land Use Ordinance requires that the applicant participate in an Affordable Housing Review Meeting with the Board of Aldermen before project review may continue. At this time, the Board of Aldermen was asked to review the affordable housing component of the Roberson Square project.

[This item was tabled until October 2, 2007 at the request of the applicant.]

CREATION OF THE CARRBORO COMPREHENSIVE BICYCLE PLAN STEERING COMMITTEE

On June 19th the Board of Aldermen authorized the execution of a municipal agreement with NCDOT for grant funds to complete a comprehensive bicycle plan. One of the requirements of the grant is to establish a steering committee that will guide the planning process. The Board was asked to appoint the advisory board and the Board of Aldermen representatives and other members to serve on the committee.

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

A RESOLUTION MAKING APPOINTMENTS TO THE
COMPREHENSIVE BICYCLE PLAN STEERING COMMITTEE
Resolution No. 13/2007-08

WHEREAS, the Town of Carrboro has been awarded a planning grant from NCDOT to develop a comprehensive bicycle plan; and

WHEREAS, the Board of Aldermen has approved a municipal agreement with NCDOT to develop a comprehensive bicycle plan; and

WHEREAS, a steering committee is a requirement of the planning grant.

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 Bicycle Plan Steering Committee:

Advisory Board or Committee	Representative
Environmental Advisory Board	Carly Apple
Transportation Advisory Board	Charlie Hileman
Recreation and Parks Commission	Eric Allman
Economic Sustainability Commission	Peter Lee

Section 2. The Board of Aldermen hereby appoints the following departmental staff representatives to the Bicycle Plan Steering Committee:

Department	Representative
Parks and Recreation	Brendan Moore
Police	Paul Atherton
Public Works	David Poythress
Planning	Adena Messinger

Section 3. The Board of Aldermen hereby appoints the following Board of Aldermen representative to the Bicycle Plan Steering Committee:

- John Herrera

Section 4. The Board of Aldermen hereby appoints the following community members to the Bicycle Plan Steering Committee:

Affiliation	Representative
Chapel Hill- Carrboro City Schools	Not yet identified
OWASA	Nick Parker
DCHC MPO	Dale McKeel
Chapel Hill Planning	Not yet identified
UNC-Chapel Hill	Sharon Myers
NCDOT	John Vine-Hodge
Citizen/at-large	Austin Brown
Citizen/at-large	Richard Goldberg
Citizen/at-large	Brian Kuhlman

Section 5. The Board of Aldermen hereby directs the Bicycle Plan Steering Committee to guide the development of the Comprehensive Bicycle Plan, review drafts of the plan as they are developed, and participate in other activities as needed for the successful completion of the plan.

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 18th day of September 2007:

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

Noes: None

Absent or Excused: None

REQUEST FOR EXTENSION OF THE DEVELOPMENT MORATORIUM IN CARRBORO'S NORTHERN STUDY AREA

The Board of Aldermen initiated a process to review implementation of the Facilitated Small Area Plan for Carrboro's Northern Study Area in February of this year. A six-month development moratorium was also initiated, subject to the approval of the Board of County Commissioners. The Northern Study Area Plan Implementation Review Committee (NSAPIRC) has adopted a resolution requesting that the Board of Aldermen pursue continuation of the development moratorium for Carrboro's Northern Study Area.

It was the consensus of the Board to ask the town staff to pass along the Town Attorney's memo, which speaks to the question of extending the moratorium, to the Northern Study Area Plan Implementation Review Committee.

NAMING COMMITTEE FOR ELEMENTARY SCHOOL #10

Mr. Stewart stated that the Chapel Hill-Carrboro City Schools had invited the Town of Carrboro to nominate a representative to serve on a committee to name the new elementary school.

Alderman Gist suggested that the new school be named Morris Grove Elementary School.

Alderman Herrera suggested that the new school be named in honor of Misael Martinez who was killed in Iraq.

It was the consensus of the Board to request that the town manager designate a representative to serve on this committee.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO
ADJOURN THE MEETING AT 10:29 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk