

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 2, 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:

| | |
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| Alderman | Alex Zaffron |
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BREAST CANCER MONTH

Alderman Broun announced that October is Breast Cancer Awareness and encouraged all women to have mammograms.

RESOLUTION CALLING UPON CITIZENS OF CARBORO TO PROTECT OUR WATER SUPPLIES AND ADHERE TO THE STAGE I WATER SHORTAGE PROCLAMATION

Alderman Haven-O'Donnell challenged citizens to reduce their water usage by 10% or more, and that OWASA be asked to re-double its efforts to encourage water conservation.

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

A RESOLUTION CALLING UPON ALL CITIZENS OF CARRBORO TO
PROTECT OUR WATER SUPPLIES AND ADHERE TO THE
STAGE I WATER SHORTAGE PROCLAMATION
Resolution No. 32/2007-08

WHEREAS, North Carolina and the Town of Carrboro are experiencing a severe drought which has depleted rivers, streams and creeks and lowered the water table threatening our supply of potable water; and

WHEREAS, the Town and the Carrboro Board of Aldermen are firmly committed to the planning, preservation and conservation of water resources; and

WHEREAS, the June 17, 2003 Ordinance Amending the Town Code Provisions Dealing with Water Conservation Restrictions was designed to reduce the rate of increase and demand on water resources; and

WHEREAS, the Orange Water and Sewer Authority ("OWASA") uses volume of water as an indicator of acceptable water consumption; and

WHEREAS, on September 28th, 2007, the Mayor of Carrboro issued a proclamation proclaiming a Stage I Water Shortage; and

WHEREAS, to maintain viable water resources it is necessary for our community to act in unison; and

WHEREAS, the North Carolina State Climate Office is predicting a dry winter based on a variety of reliable indicators, including the conditions associated with La Nina.

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

Section 1. The Board of Aldermen calls upon all citizens of Carrboro to make sound decisions about water use and to strictly adhere to the Orange Water and Sewer Authority Stage One Water Restrictions in addition to the Year-Round Conservation Standards.

Section 2. The Board urges Carrboro citizens to restrict water use to 500 gallons per day and use this cap until the water supply restriction is lifted.

Section 3. That the town enforce the penalties for violation of the provisions of the Stage I Water Shortage as set forth in subsection 5-21 of the Town Code.

Section 4. That Mayor Chilton contact the town's OWASA representatives to indicate that it is the Board of Aldermen's desire to have the Stage I Water Shortage daily water limit for residential customers reduced to 500 gallons per day and ask that the Carrboro OWASA representatives take that reduction request to the OWASA Board of Directors for consideration.

Section 5. That Mayor Chilton contact Chapel Hill Mayor Foy to ask that the Town of Chapel Hill consider asking their OWASA representatives to seek the reduced Stage I Water Shortage daily water usage limit for residential customers of 500 gallons per day.

Section 6. That the Board revisit the long-range water use growth projection rate.

Section 7. That the business and/or residence with the greatest reduction in water usage between September and October be recognized.

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 2nd day of October 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

Mayor Chilton asked that the water shortage proclamation be highlighted on the town's website with a link to the OWASA website.

Alderman Broun asked that the town's website also include a link to the N.C. State Water Resource Department's website.

Mayor Chilton asked that the town staff not require developers to install plantings during the water shortage.

Alderman Herrera suggested that car wash water be reused.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO APPROVE THE SEPTEMBER 18 AND 25, 2007 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)

TOWN CODE AMENDMENT DEALING WITH THE DUTIES OF AND QUORUM REQUIREMENTS FOR THE CARRBORO ARTS COMMITTEE

The purpose of this agenda item was for the Board of Aldermen to consider adopting an amendment to the Town Code dealing with the duties of, and quorum requirements for, the Carrboro Arts Committee.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE PROVISIONS DEALING WITH THE DUTIES OF AND QUORUM REQUIREMENTS FOR THE CARRBORO ARTS COMMITTEE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)

REQUEST TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY ROADWAY BUFFER REQUIREMENTS

A draft ordinance that removes the roadway buffer requirement along arterial roads whenever properties are developed for use as public fire stations has been prepared. As it is necessary for the Board of Aldermen to receive public comment on changes to the text of the ordinance prior to taking action, a resolution that sets the public hearing for October 23, 2007 on the draft ordinance and refers the ordinance for Orange County and advisory board review was recommended for the Board's adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY ROADWAY BUFFER REQUIREMENTS WHEN FIRE STATIONS ARE DEVELOPED
Resolution No. 23/2007-08

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 calls a public hearing on October 23, 2007 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO PROTECTIVE BUFFERS ALONG MAJOR ROADS."

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.

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

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS TOWN PROPERTY

The Town of Carrboro has identified various items of surplus property and would like to sell the surplus personal property. Prior to disposing the items, NC General Statute 160A-270 requires that the Board approve a resolution to declare the property as surplus and authorize the sale of these items.

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

**A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OR OTHER METHOD ALLOWED BY THE GENERAL STATUTES OF SURPLUS TOWN PERSONAL PROPERTY
Resolution No. 22/2007-08**

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorizes the Town to dispose of personal property; and

WHEREAS, the Town desires to dispose of certain items of surplus property.

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

Section 1: The following items of Town personal property are hereby declared surplus:

Vehicles

- 1998 Ford Crown Vic
- 2000 Ford Crown Vic (2)
- 2001 Ford Crown Vic (2)
- 1999 Chevy Lumina
- 1977 Hendrickson Fire Truck
- 1997 Ford Expedition

Equipment

- 1996 Toro Groundmaster (mower)
- 2000 Toro Z Master (mower)
- 2000 Hustler Shortcut (mower)
- 1995 International Dump Truck
- 1999 Volvo Garbage Truck

1987 Chevy Truck
1987 Chevy Pick up
1989 Chevy Van

Other

Office chairs (2)
Copier – Konica
Stove
Desk
Computer desk on wheels
Audio visual cart
Phones
OKI Microline printer
Duffle bags
Baseball equipment
Nikon 35mm camera
Hitachi VHS camcorder
Doppler hand held radar
Misc. computer equipment
Misc. copier toner

Section 2: The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 at public auction in accordance with statutory requirements.

Section 3: A public auction conducted by Mendenhall Auction Company shall take place on October 20th at 11:00am at 6695 Auction Rd., High Point, NC. The public may view items from 12:00 noon to 5:00 pm Friday and October 19th and beginning at 9:00 a.m. on the day of the auction. Bids can be placed online at www.proxybid.com during the auction.

Section 4: The terms of the sale shall be to the highest bidder for cash or cashiers check (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

Section 5: All items shall be sold on an “as is” and “where is” basis and the Town makes no guarantee of merchantability or any other implied or express warrantee and assumes no responsibility for any of the items.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE CHAPEL HILL/ORANGE COUNTY VISITOR’S BUREAU

The purpose of this item was to request that the Mayor and Board of Aldermen consider adopting a resolution recommending that the Orange County Board of Commissioners re-appoint Mr. Jon Wilner as the Town of Carrboro's representative on the Chapel Hill / Orange County Visitor's Bureau.

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

A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE
CHAPEL HILL/ORANGE COUNTY VISITOR'S BUREAU
Resolution No. 25/2007-08

WHEREAS, the Town of Carrboro has one seat on the Chapel Hill/Orange County Visitor's Bureau; and

WHEREAS, Mr. Jon Wilner has served as the Town of Carrboro's representative since May 16, 2006; and

WHEREAS, Mr. Wilner's term is due to expire on December 30, 2007; and

WHEREAS, Mr. Wilner has expressed a willingness to continue representing the Town of Carrboro on the Visitor's Bureau.

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

Section 1. The Board hereby requests that the Orange County Board of Commissioners re-appoint Mr. John Wilner to serve as the Town of Carrboro's representative on the Chapel Hill/Orange County Visitor's Bureau. Mr. Wilner's new term would expire on December 30, 2010.

Section 2. A copy of this resolution shall be forwarded to the Orange County Board of Commissioners.

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 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

**REQUEST TO SET A PUBLIC HEARING: HARMONY FARMS AKA JONES PROPERTY
VOLUNTARY ANNEXATION REQUEST**

The purpose of this item was to accept a petition requesting the voluntary annexation of the proposed Harmony Farms aka Jones Property Architecturally Integrated Subdivision and to set a public hearing for October 23, 2007.

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

A RESOLUTION SETTING A PUBLIC HEARING
TO CONSIDER THE ANNEXATION OF
PROPERTY OWNED BY PRIORITY DEVELOPMENT LP,
UPON THE REQUEST OF THE PROPERTY OWNER
Resolution No. 27/2007-08

WHEREAS, the Town of Carrboro has received a petition from the property owned by Priority Development LP requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petitions requesting the annexation of this property are sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on October 23, 2007 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Herald at least ten days prior to the date of the public hearing.

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 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

ADDITIONAL APPOINTMENTS TO THE CARRBORO COMPREHENSIVE BICYCLE PLAN STEERING COMMITTEE

On September 18th the Board of Aldermen adopted a resolution creating the Carrboro Comprehensive Bicycle Plan Steering Committee and appointed most of the committee members. The Town of Chapel Hill and Chapel Hill-Carrboro City Schools representatives were not available at that time. The Town has received these recommended appointees and the Mayor and Board of Aldermen are asked to make these additional appointments.

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

A RESOLUTION MAKING ADDITIONAL APPOINTMENTS TO THE COMPREHENSIVE BICYCLE
PLAN STEERING COMMITTEE
Resolution No. 26/2007-08

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; and

WHEREAS, the Board of Aldermen made appointments to this steering committee on September 18, 2007, with the exception of the representatives from the Town of Chapel Hill and Chapel Hill-Carrboro City Schools; and

WHEREAS, the town staff has received the recommendations for these two community groups.

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

Section 1. The Board of Aldermen hereby makes the following additional appointments to the Bicycle Plan Steering Committee:

| Affiliation | Representative |
|------------------------------------|-----------------------|
| Chapel Hill- Carrboro City Schools | Lisa Frangipane |
| Chapel Hill Planning | David Bonk |

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 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

A REQUEST TO CONSIDER RE-ISSUING BOND ANTICIPATION NOTES UPON EXPIRATION IN THE AMOUNT OF \$2,590,000

The Board was requested to consider re-issuing bond anticipation notes (BANs) that are due to expire December 6, 2007 and approve a staff recommendation to renew the amount of BANs issued at the current amount of \$2,590,000 so that work on the sidewalk and greenway bond projects may continue in a timely fashion.

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

**A RESOLUTION ACCEPTING THE STAFF RECOMMENDATION TO RE-ISSUE AND MODIFY THE CURRENT BOND ANTICIPATION NOTES
Resolution No. 29/2007-08**

WHEREAS:

At a referendum held on November 4, 2003, the voters of the Town of Carrboro, North Carolina (the "Town"), authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails (the "Bonds"). None of such Bonds have yet been issued.

The Town's Board of Aldermen (the "Board") has now determined to issue a series of bond anticipation notes to provide preliminary funding for sidewalk and greenways projects in anticipation of the later issuance of a portion of the Bonds.

The Board recognizes that the current bond anticipation notes will expire in early December 2007, allowing the Town an opportunity to re-issue amount needed for upcoming projects.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro does hereby resolve:

Section 1: The Board agrees to issue and sell a single issue of general obligation sidewalk bond anticipation notes (the "Notes") in the aggregate principal amount of \$2,590,000. The Town will issue the Notes to provide preliminary financing for sidewalk and greenways projects in anticipation of the later issuance of a portion of the previously-authorized Bonds.

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 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

Alderman Gist asked that the Board schedule a discussion of constructing a sidewalk on Barnes Street.

Mayor Chilton asked that the Board also discuss the amount of bond funds remaining.

APPOINTMENTS TO THE GREENWAYS COMMISSION

The Board of Aldermen created a Greenways Commission at its meeting on June 19, 2007. The purpose of tonight's agenda item was for the Board to make the appointments to this commission.

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

A RESOLUTION MAKING APPOINTMENTS TO THE GREENWAYS COMMISSION Resolution No. 24/2007-08

WHEREAS, the Board of Aldermen has established a Greenways Commission composed of 13 members appointed by the Board of Aldermen; and

WHEREAS, the town staff has received applications and recommendations for appointments to this commission.

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

Section 1. The Board of Aldermen hereby makes the following appointments to the Greenways Commission:

| Appointee | Affiliation | Term Expiration |
|------------------------|---------------------------------|------------------------|
| Sharon Cook | Planning Board | July 1, 2008 |
| Eric Allman | Recreation and Parks Commission | July 1, 2009 |
| Jennifer Everett | Environmental Advisory Board | July 1, 2010 |
| Tom High | Transportation Advisory Board | July 1, 2008 |
| Johnny Randall | Morgan Creek Valley Alliance | July 1, 2009 |
| Dave Otto | Friends of Bolin Creek | July 1, 2010 |
| Livy Ludington | C.H.-Carrboro City Schools | July 1, 2008 |
| Gary Junker | C.H.-Carrboro City Schools | July 1, 2009 |
| George Daniel | At-Large | July 1, 2010 |
| Philip Duchastel | At-Large | July 1, 2008 |
| Robert Kirschner | At-Large | July 1, 2009 |
| Amber Wagner | At-Large | July 1, 2010 |
| Salli Benedict | At-Large | July 1, 2008 |
| Jacquelyn Gist | Board of Aldermen | July 1, 2009 |
| Randee Haven-O'Donnell | Board of Aldermen | July 1, 2010 |
| Michael Flynn | Alternate | July 1, 2008 |
| Monica Nees | Alternate | July 1, 2009 |
| Ioana Sherman | Alternate | July 1, 2010 |

Section 2. The Board of Aldermen hereby appoints the following staff representatives to the Greenways Commission:

| Appointee | Affiliation |
|------------------------------|---|
| OWASA | Nick Parker |
| Town of Chapel Hill | Bill Webster |
| University of North Carolina | Ray Magyar |
| Orange County | Marabeth Carr |
| Town of Carrboro | Planning and Recreation & Parks Dept. Staff |

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 2nd day of October 2007:

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

Noes: None

Absent or Excused: Alex Zaffron

STATUS REPORT ON THE LONG-RANGE TRANSIT PLAN

The purpose of this item was for Alderman Coleman to give the Mayor and Board of Aldermen an update on the Long Range Transit Plan being conducted by Chapel Hill, Carrboro, and UNC.

Alderman Coleman made the presentation.

REQUEST FOR A CLOSED SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE.
VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)

ORDINANCE AMENDING MEMBERSHIP OF THE GREENWAYS COMMISSION

Mike Brough indicated that he had revised the ordinance creating the Greenways Commission to reflect the Board’s desire to add a second member of the Board of Aldermen and three alternate positions.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING THE TOWN CODE TO REVISE THE MEMBERSHIP OF THE GREENWAYS COMMISSION.” VOTE: AFFIRMATIVE SIX, ABSENT ONE (ZAFFRON)

Mayor

Town Clerk