

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 19, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman (arrived at 7:55 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

### **FIRST ANNUAL COLLECTOR'S FAIR**

Mayor Chilton announced that the Recreation and Parks Department will be sponsoring the First Annual Collector's Fair on Saturday, February 23, 2008 from 9:00 a.m. to 3:00 p.m. at the Carrboro Century Center.

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### **CLOSING OF CARING FAMILIES NETWORK**

Ellen Perry asked for the Board's assistance in replacing the Caring Families Network mental health services provider. She stated that the closing of this agency will affect approximately 1,500 people.

Alderman Broun stated that the Board of Aldermen could discuss this matter with the Orange County legislative delegation at the breakfast meeting on April 28<sup>th</sup>. Alderman Broun asked that OPC be asked what their plan is to replace Caring Families Network.

The Board requested that the Mayor forward a letter to the Secretary of Health and Human Services with copies to the Orange County Board of Commissioners, OPC and Mayors in Orange and Chatham counties.

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### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN TO APPROVE THE FEBRUARY 5 AND 12, 2008 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

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### **REQUEST FOR APPROVAL OF MUNICIPAL AGREEMENTS WITH NCDOT FOR THE CONCEPTUAL PLANNING OF THE MORGAN AND BOLIN CREEK GREENWAYS**

The Town of Carrboro has been allocated funds via the Surface Transportation Program Direct Apportionment (STP-DA) process to develop conceptual plans for the Bolin Creek Greenway and Morgan Creek Greenway. NCDOT, administrator of the STPA-DA funds on behalf of FHWA, has prepared the Municipal Agreements for these projects. Two resolutions recommending the Board of Aldermen to authorize the Mayor and Town Clerk to sign and execute each of the Municipal Agreements were recommended for the Board's approval.

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

A RESOLUTION AUTHORIZING EXECUTION OF A  
MUNICIPAL AGREEMENT WITH NCDOT TO DEVELOP A  
CONCEPTUAL PLAN FOR THE MORGAN CREEK GREENWAY  
Resolution No. 98/2007-08

WHEREAS, Municipality has plans which consist of planning, environmental study, and preliminary engineering for the construction of approximately 1.7 mile long, 10-foot wide asphalt and/or concrete multi-use path which will extend along Morgan Creek from Smith Level Road to University Lake, which will link residential areas and recreational destinations in the Town of Carrboro; and,

WHEREAS, the Municipality has requested to use Surface Transportation Program Direct Apportionment (STP-DA) Funds to perform the planning, environmental study, and preliminary engineering for the entire project; and,

WHEREAS, the Transportation Advisory Council (TAC) has authorized the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO) to approve the allocation of the Surface Transportation Program Direct Apportionment (STP-DA) funds to be used for the planning, engineering and design work for the entire project; and,

WHEREAS, the Department has agreed to administer the disbursement of the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization's (MPO) Surface Transportation Program Direct Apportionment (STP-DA) funds allocation on behalf of FHWA to the municipality for the planning, engineering and design work in accordance with the project scope and with the provisions set forth in this Agreement; and,

WHEREAS, the Town of Carrboro agrees to be responsible for the preparation of all environmental documentation, including any environmental permits and for the design and preparation of project plans, specifications, quantities and details for said project, funding the 20% match (\$10,000) for the Direct Apportionment funds authorized, all costs which exceed \$50,000, and all eligible costs not reimbursed by the Federal Highway Administration due to noncompliance by the municipality; and,

WHEREAS, said agreement further provides for the Department of Transportation to allocate an amount not to exceed \$40,000 from the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization's MPO (MPO) State Transportation Program Direct Apportionment funds to the Town of Carrboro toward the planning, engineering and design costs of the project in accordance with the terms of the agreement.

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the Mayor is hereby authorized to prepare a conceptual plan for the Morgan Creek Trail in Orange County and that the Mayor is further authorized to sign and execute the Agreement with the North Carolina Department of Transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of February 2008:

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

Noes: None

Absent or Excused: Dan Coleman

It was the consensus of the Board to refer the Bolin Creek agreement to the Greenways Commission for consideration.

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**A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE CROWN CASTLE TELECOMMUNICATIONS TOWER LOCATED AT 625 OLD FAYETTEVILLE ROAD**

Alltel has applied for a minor modification to the Crown Castle telecommunications tower located at 625 Old Fayetteville Road. Per Section 15-176 (15) of the Land Use Ordinance, additional antenna arrays located on existing towers must be approved through the minor modification process. The town staff requested that the Board of Aldermen approve the minor modification.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE CROWN CASTLE TELECOMMUNICATION TOWER LOCATED AT 625 OLD FAYETTEVILLE ROAD ALLOWING ALLTEL TO LOCATE AN ANTENNA ON THE TOWER AND EXPAND THE COMPOUND BY 37 FEET BY 16 FEET  
Resolution No. 94/2007-08

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 625 Old Fayetteville Road on February 9, 1999; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve the minor modification to the Crown Castle telecommunication tower located at 625 Old Fayetteville Road to allow Alltel to install an antenna on the tower and expand the compound by 37 feet by 16 feet.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19<sup>th</sup> day of February 2008:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO APPROVE A TWO-YEAR EXTENSION OF THE BANKING SERVICES CONTRACT WITH BANK OF AMERICA**

Staff recommended that the Board allow the town to extend its current Banking Services Contract with Bank of America for an additional two years through February 28, 2010. This will allow Management Services ample time to research and initiate a full-scaled Request for Proposals for banking services with Bank of America and other local banks in the Town of Carrboro.

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

A RESOLUTION APPROVING A TWO-YEAR EXTENSION OF THE BANKING SERVICES CONTRACT WITH BANK OF AMERICA  
Resolution No. 106/2007-08

BE IT RESOLVED by the Board of Aldermen that the current Banking Services Contract with Bank of America be extended for an additional two years through February 28, 2010.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of February 2008:

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

Noes: None

Absent or Excused: Dan Coleman

Alderman Broun asked that future RFPs for banking services include the Community Re-Investment Act "score".

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[Alderman Coleman arrived at the meeting.]

**A REQUEST TO SET A PUBLIC HEARING ON THE STREET CLOSING PERMIT APPLICATION FOR THE KIDNEY KARE 5K RUN/WALK**

The purpose of this agenda item was to set a public hearing on a Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets to accommodate the Kidney Kare 5K Run/Walk on Saturday, March 15, 2008 from 8:00 AM to 9:30 AM.

Alderman Gist expressed concern about the impact of these races on town residents.

Mr. Stewart stated that the town staff was preparing a report to the Board concerning this matter.

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

A RESOLUTION SETTING A PUBLIC HEARING ON A  
TEMPORARY STREET CLOSING REQUEST  
Resolution No. 107/2007-08

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that February 26, 2008 at 7:30 PM is hereby set as the date for a public hearing on a request by UNC Kidney Kare Center to temporarily close and use the following streets on Saturday, March 15, 2008 from 8:00 AM to 9:30 AM for the Kidney Kare 5K Run/Walk event:

Start and Finish on McDougle School southeast driveway.

Right on *Hillsborough Rd.* (Stay on Hillsborough Rd. through the N. Greensboro St.

Right on *High St.*

Right on *Main St.* (stay in bike lane)

Right on *James St.*

Left on Hillsborough Rd. (stay in bike lane)

Left on McDougle School southeast driveway.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of February 2008:

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

Noes: None

Absent or Excused: None

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**DISCUSSION OF POTENTIAL ARTIFICIAL TURF FOR SMITH SOCCER FIELDS**

On January 15, 2008, the Board of Alderman was asked to consider several requests made by Orange County staff concerning resurfacing of the Smith Soccer Fields to artificial turf. This is a project that the County is interested in pursuing. Prior to making the decision to move forward with the project; they are seeking approval on several ways in which the Town of Carrboro can contribute to the project. The Board requested staff to provide financial data concerning soccer field rentals.

William Madden spoke in favor of the artificial turf.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL TO SUPPORT THE DEVELOPMENT OF THE ARTIFICIAL TURF FIELD, THAT THE TOWN WAIVE THE FEES IF THE RENTAL COSTS WERE INCREASED. MOTION DIED FOR THE LACK OF A SECOND.

[The Board took no action on this matter.]

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**FOLLOW UP TO TRAFFIC CALMING ON OAK AVENUE**

The purpose of this item was to provide follow up information to the Board of Aldermen about traffic calming on Oak Avenue.

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

Chris Frank, residing at the corner of Oak Avenue and Evans Court, expressed concern about the volume of traffic on Oak Avenue and spoke in favor of narrowing the N. Greensboro/Oak Avenue intersection to deter cut through traffic. He also suggested one-waying Oak Avenue from Weaver Street to Poplar Avenue, and stated that he felt striping would help to calm traffic.

Michelle Rivest, a resident of 100 Oak Avenue, stated that she feels the volume of traffic is the problem, that a full blown neighborhood education campaign is not necessary, and spoke in favor of striping.

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

A RESOLUTION SPECIFYING FOLLOW-UP TO TRAFFIC CALMING  
ON OAK AVENUE  
Resolution No.109/2007-08

WHEREAS, the Carrboro Board of Aldermen requested Town staff to provide follow-up information with reference to traffic calming on Oak Avenue.

WHEREAS, Town staff has provided said follow-up information with recommendations,

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

1. That the Police Department continue to monitor Oak Avenue as part of their routine enforcement.

2. That no intersection modifications at Oak Avenue and North Greensboro be made at this time, and the staff be directed to get a better understanding of what the treatment (if any) should be used at this intersection.
3. That the town staff bring a proposal to the Board for striping Oak Avenue
4. That the town staff bring back a report to the Board regarding on-street parking and/or one-way traffic on Oak Avenue, including information on when Oak Avenue is scheduled to be resurfaced.
5. That the town staff prepare a recommendation for additional signage.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of February 2008:

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

Noes: None

Absent or Excused: None

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**REQUEST TO ADVISE OCHLT ON POSSIBLE SALE OF FORECLOSED AFFORDABLE UNIT IN TWIN MAGNOLIAS**

The purpose of this item was for the Board of Aldermen to consider their view on the most advantageous and/or prudent way to deal with the foreclosed affordable unit in Twin Magnolias that is currently part of the Orange Community Housing and Land Trust inventory.

Robert Dowling, Executive Director of OCHLT, stated that this property is problematic and would require a great deal of time to make right. He stated that they are willing to work with the lender to save this home, but \$55,000 plus repair costs will be needed in order to re-sell the property. He suggested that the town consider selling the home out of the Land Trust and putting the proceeds in the town's newly established affordable housing fund.

Mike Brough referenced a memo sent to the Mayor and Board of Aldermen pointing out four options for the Board to consider.

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

**A RESOLUTION AUTHORIZING SALE OF FORECLOSED  
OCHLT UNIT IN TWIN MAGNOLIAS  
Resolution No. 110/2007-08**

WHEREAS the Board of Aldermen are committed to increasing the number of affordable housing units in Carrboro, and

WHEREAS the Board of Aldermen are also committed to the long-term ability of the Orange Community Housing and Land Trust (OCHLT) to maintain its financial stability, and

WHEREAS, in this case, the financial burden of keeping this unit within the inventory of affordable units would be extremely high, and

WHEREAS there would be a significant, corresponding benefit to the newly created affordable housing fund were the unit to be sold on the market,

**NOW THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that:

Section 1: They authorize the sale on the market of the foreclosed OCHLT unit in Twin Magnolias.

Section 2: They direct that any proceeds of this sale shall go into the newly created affordable housing fund.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of February 2008:

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

Noes: Joal Hall Broun

Absent or Excused: None

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**CONSIDERATION OF A PETITION FOR A MINOR MAP AMENDMENT FOR THE PROPERTY LOCATED AT 102 CENTER STREET FROM R-7.5 TO B-2**

Section 15-321 provides for the initiation of amendments to the Town's zoning map. Such a petition has been received from Center Street Preservation regarding the rezoning of 102 Center Street. The Board of Aldermen could set a public hearing date and direct the staff to prepare an appropriate ordinance or deny the petition.

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

Jane Hamborsky, the applicant, explained her request for rezoning.

Ruffin Slater, representing Carrboro Community, LLC, owners of 104 Center Street, stated that they would be interested in joining the rezoning to B-2.

John Alderson, a resident of 100 Oak Avenue, expressed concern about rezoning this property to B-2.

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

A RESOLUTION SPECIFYING FOLLOW-UP TO THE REZONING REQUEST FOR  
102 CENTER STREET  
Resolution No. 101/2007-08

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a request to rezone the parcel known as 7.98.H.2 and located at 102 Center Street from R-7.5 to B-2; and

WHEREAS, adopted policies call for protection of historic properties and older neighborhoods and this parcel is located in such an area; and

WHEREAS, adopted policies also call for increased commercial opportunities, particularly downtown developments with a mix of uses.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen do hereby accept the petition, direct staff to prepare an ordinance that rezones 102 Center Street (Orange County TMBL 7.98.H.2) from R-7.5

to B-2, set a public hearing for March 25, 2008, and refer the rezoning petition and draft ordinance to the Planning Board for review.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of February 2008:

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

Noes: None

Absent or Excused: None

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**CONSIDERATION OF A REQUEST FOR A LAND USE ORDINANCE TEXT AMENDMENT TO EXEMPT DAY CARE USES FROM IMPERVIOUS SURFACE LIMITATIONS IN VILLAGE MIXED USE DEVELOPMENTS**

Section 15-321 provides for the initiation of amendments to the text of the Town's land use ordinance. Eric Chupp has proposed an amendment to incentivize the inclusion of child day care uses in village mixed use developments. The Board of Aldermen could set a public hearing date and direct the staff to prepare an appropriate ordinance or deny the petition.

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

Eric Chupp stated that they would propose to continue to use this property as a daycare in the future.

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

**A RESOLUTION SPECIFYING FOLLOW-UP TO THE LUO TEXT AMENDMENT REQUEST FOR DAYCARE USES IN VILLAGE MIXED USE DEVELOPMENT  
Resolution No. 102/2007-08**

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a request to amend the Land Use Ordinance to waive day care facilities from single-family residential use area impervious surface limitations in village mixed use developments; and

WHEREAS, the Board of Aldermen has received a report from the Childcare Committee and stated that it wishes to identify incentives for developers to include day care uses in developments; and

WHEREAS, the single-family use area impervious surface limitation has been identified as a barrier to including a day care use in the village mixed use development.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen:

Section 1. Directs staff to prepare a draft ordinance that modifies subsection 15-176.2(f)(5)(d) to waive the impervious surface limitation for child day care uses; and

Section 2. Sets a public hearing for April 22, 2008; and

Section 3. Refers the draft ordinance to the Planning Board and Orange County for review.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 19th day of February 2008:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Lydia Lavelle

Noes: Randee Haven O'Donnell

Absent or Excused: None

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**DISCUSSION OF BOARD GOALS FOR 2008**

The purpose of this item was for the Board of Aldermen to discuss any other goals beyond the economic development goals discussed at the recent retreat that they would like to set for themselves and/or for staff during 2008.

Discussion of this matter was delayed.

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MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

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**ENERGY IDEPENDENCE AND SECURITY ACT GRANTS**

Alderman Coleman presented information about the recently approved Energy Independence and Security Act and requested that the town investigate this funding opportunity.

It was the consensus of the Board to request that the town staff investigate this grant funding.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

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Town Clerk

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Mayor