

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 15, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Alderman	Joal Hall Broun
----------	-----------------

HANDICAP ACCESSIBILITY AND PARKING AT CARR MILL

Ellen Perry brought to the Board's attention that handicap access and handicap parking was unavailable today at Carr Mill due to construction.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN O'DONNELL TO REQUEST THAT THE TOWN STAFF INVESTIGATE THIS MATTER TO ENSURE HANDICAP ACCESSIBILITY AND TO DETERMINE WHETHER CARR MILL IS IN COMPLIANCE WITH THEIR CONDITIONAL USE PERMIT AS IT RELATES TO HANDICAP PARKING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

WATER SHORTAGE PROCLAMATION

Mayor Chilton stated that he had asked representatives from OWASA to attend tonight's meeting to discuss the OWASA Board's action to declare a Stage One Water Shortage and rescinding the Stage Three declaration.

Ed Kerwin, Braxton Foushee and Ed Holland were present representing OWASA.

Mr. Kerwin presented a report regarding this matter and stated that he had presented a similar report to the Chapel Hill Town Council on April 14th and following that report, Mayor Foy agreed to sign the Stage I Water Shortage proclamation. He stressed that the drought is not over and that customers must continue to use water wisely and that the OWASA Board will continue to monitor water supply and demand very closely and will return to more stringent restrictions if conditions warrant.

Braxton Foushee, one of the Town's OWASA Board representatives, explained that he would have no problem voting to go back to Stage III if conditions warrant and that his main reason for agreeing to go back to a Stage I was to allow the filling of pools and irrigation of UNC athletic fields.

Mayor Chilton suggested that the OWASA Board consider allowing filling of public pools during water shortages because they serve a greater community purpose than private pools. He also expressed a desire for a more collaborative process to be established between the OWASA Board and the elected boards regarding the declaration of water shortages.

Mayor Chilton stated that he would make a decision on whether to sign the Stage I water shortage proclamation on April 16th.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY LYDIA LAVELLE TO APPROVE THE APRIL 1 AND 8, 2008 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO PROVIDE FOR CONDITIONAL ZONING

At the March 25, 2008 public hearing, the Board of Aldermen considered conditional zoning in the context of a rezoning request for 102 Center Street. A draft ordinance that would establish conditional zoning has been prepared and is provided for the Board's consideration.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO PROVIDE FOR CONDITIONAL ZONING
Resolution No. 130/2007-08

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 May 27, 2008 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ADOPT CONDITIONAL ZONING."

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 April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST TO SET A PUBLIC HEARING TO CONSIDER A MINOR MAP AMENDMENT FOR THE PROPERTY LOCATED AT 102 CENTER STREET FROM R-7.5 TO B-2-CONDITIONAL

Per the Board's discussion at the March 25th public hearing, Jane Hamborsky, et al, owners of 102 Center Street, have stated an interest in revising their request seeking rezoning of the property from R-7.5 (Residential, 7,500 square feet per dwelling unit) to B-2-conditional (Fringe Commercial – conditional). A public hearing on a land use ordinance text amendment to establish this type of zoning has been proposed for May 27, 2008. It is necessary for the Board of Aldermen to receive public comment before acting on this revised rezoning request.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION SPECIFYING FOLLOW-UP TO THE

REZONING REQUEST FOR 102 CENTER STREET
Resolution No. 131/2007-08

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-Conditional; 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 Board of Aldermen:

Section 1. Accepts the petition, directs staff to prepare an ordinance that rezones 102 Center Street (Orange County TMBL 7.98.H.2) from R-7.5 to B-2-Conditional, sets a public hearing for May 27, 2008, and refers the rezoning petition and draft ordinance to the Planning Board for review.

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 April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION

The Mayor and Board of Aldermen will consider making appointments to the Recreation and Parks Commission. The town staff recommends that the Board adopt the attached resolution.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION MAKING APPOINTMENTS TO
THE RECREATION AND PARKS COMMISSION
Resolution No. 129/2007-08

WHEREAS, there are terms on the Recreation and Parks Commission that expire in February of each year; and

WHEREAS, those individuals whose terms expire in 2008 were sent notices thanking them for their service and asking them to complete an application form if they were interested in being re-appointed; and

WHEREAS, these seats were also advertised and applications were received; and

WHEREAS, all applications were forwarded to the Chair of the Recreation and Parks Commission for review and consideration; and

WHEREAS, the town staff contacted the Chapel Hill-Carrboro City School System requesting that Kevin Fuerst be moved from an in-town seat on the Commission to the school system's seat on the Commission; and

WHEREAS, the Superintendent of the School System has approved the appointment of Kevin Fuerst to represent the School System.

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

Section 1. The following appointments are made to the Recreation and Parks Commission:

APPOINTEE	TYPE OF SEAT	TERM EXPIRATION
Marianne Nicholson	In-Town	February 2011
Eric Allman	In-Town	February 2011
Sarah Sizemore	In-Town	February 2010
David Dirito	In-Town	February 2009
Kevin Fuerst	School Representative	February 2009

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 April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

**REPORT ON THE UNC DEPARTMENT OF CITY AND REGIONAL PLANNING WORKSHOP
PARKING STUDY**

Students in UNC's Department of City and Regional Planning have studied the supply and demand of parking in Downtown Carrboro. They have prepared a report of their study for presentation to the Board of Aldermen. Staff recommended that the Board receive the report and provide comments.

Adena Messinger, the town's Transportation Planner, introduced the item and the students from the UNC Dept. of City and Regional Planning.

Denman Globber, Chava Kronenberg, Michael Schwartz and Bridget Venne made the presentation.

James Harris, the town's Community and Economic Development Director, suggested that additional survey information be pursued from Carrboro businesses.

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

A RESOLUTION ACCEPTING THE DOWNTOWN PARKING STUDY REPORT
PREPARED BY STUDENTS IN THE DEPARTMENT OF CITY AND REGIONAL PLANNING
AT UNC-CHAPEL HILL
Resolution No. 133/2007-08

WHEREAS, the Carrboro Vision 2020 policy document recognizes downtown vitality as a key element of the Town's successful economic development, and

WHEREAS, adequate downtown parking to meet the needs of the community is a component of downtown vitality, and

WHEREAS, the Town of Carrboro is interested in a better understanding of the community's downtown parking needs, and

WHEREAS, students from the Department of City and Regional Planning at the University of North Carolina-Chapel Hill studied the supply and demand of downtown parking in Carrboro,

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

Section 1: The Board of Aldermen hereby receives the report on parking in downtown Carrboro.

Section 2: The Board of Aldermen hereby thanks the students for their work on parking in downtown Carrboro.

Section 3. The Board of Aldermen refers the study to staff for evaluation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST FOR APPROVAL: MUNICIPAL AGREEMENT WITH NCDOT FOR THE CONCEPTUAL PLANNING OF THE BOLIN CREEK GREENWAY

On February 19, 2008 staff presented the Board of Aldermen with a municipal agreement that would enable the Town to use federal funds for the conceptual planning of the Bolin Creek greenway trail. It was the consensus of the Board to refer the Bolin Creek municipal agreement to the Greenways Commission for a recommendation. A resolution authorizing the Mayor and Town Clerk to sign and execute the Municipal Agreement was recommended for Board of Aldermen approval.

Alderman Gist stated that the Greenways Commission had discussing asking that the consulting firm investigate alternate locations for the path.

Alderman Haven-O'Donnell stated the goal is to have an environmentally sensitive paved surface (concrete or asphalt) transit corridor that would connect the schools (Chapel Hill High School, Smith Middle School and Seawell Elementary) to Carolina North and the neighborhoods north of Homestead Road that would run behind the schools and down Seawell School Road.

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

A RESOLUTION AUTHORIZING EXECUTION OF A MUNICIPAL AGREEMENT WITH NCDOT TO DEVELOP A CONCEPTUAL PLAN FOR THE BOLIN CREEK GREENWAY

WHEREAS, the Town of Carrboro has plans which consist of planning, environmental study, and preliminary engineering for the construction approximately 15,312 feet (2.9-miles), greenway which will extend along Bolin Creek from Estes Drive to the northern border of the Horace Williams property, and include a piece of the proposed trail that would extend the existing paved greenway trail on the south side of Bolin Creek to the north via Jones Creek in the Town of Carrboro; and,

WHEREAS, the Town of Carrboro has requested to use Surface Transportation Program Direct Attributable (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 Attributable (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 Attributable (STP-DA) Funds allocation on behalf of FHWA to the Town of Carrboro 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 (\$14,000) for the Direct Attributable Funds authorized, all costs which exceed \$70,000, 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 \$56,000 from the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization's MPO (MPO) State Transportation Program Direct Attributable 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 town is hereby authorized to prepare a conceptual plan for the Bolin 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 15th day of April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

APPROVAL OF HOME FUNDS FOR 2008-09

The purpose of this item was to present to the Board of Aldermen a proposed plan developed by the HOME Program Review Committee for use of HOME Program funds for fiscal year 2008-2009.

Mayor Chilton asked to be recused from consideration of this agenda item because of his affiliation with a couple of agencies involved in this funding.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO RECUSE MAYOR CHILTON. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

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

A RESOLUTION APPROVING THE
ORANGE COUNTY FY 2008-2009 HOME PROGRAM ALLOCATION
Resolution No. 132/2007-08

BE IT RESOLVED; by the Town of Carrboro Board of Aldermen as a member of the Orange County HOME Consortium approve the following activities for the 2008-2009 HOME Program:

1. Housing Rehabilitation: \$435,226

The Review Committee recommends allocating \$435,226 to Community Alternatives for Supportive Abodes (CASA) for the renovation of ten one-bedroom apartments on Pritchard Avenue Extension in Chapel Hill. The units would be rented to very low income individuals who may have disabilities or are formerly homeless.

2. Homeownership Assistance: \$100,000

The Review Committee proposes to allocate \$100,000 to Orange Community Housing and Land Trust to assist first time homebuyers earning less than 80% of the area median income to purchase Land Trust homes throughout Orange County. The majority of homes would be located in the Chapel Hill/Carrboro area.

3. Second Mortgage Assistance: \$120,000

The Committee recommends allocating \$120,000 to Habitat for Humanity to provide deferred payment zero-interest second mortgages on six homes throughout Orange County. The homes would be built in 2008 and 2009 and would be sold to households earning between 30% and 80% of the area median income.

4. Sewer Construction: \$56,250

The Review Committee proposes to allocate \$56,250 to the Town of Hillsborough to construct infrastructure to provide sewer service to six new homes in partnership with Habitat for Humanity.

5. Operational Support: \$33,000

The Committee recommends allocating \$33,000 to the Orange Community Housing and Land Trust for administrative expenses related to implementing its HOME Program funded projects. As a designated Community Housing Development Organization for the HOME Program, the Land Trust is eligible to receive funds for administration of a housing program.

6. Administration: \$66,176

The remaining \$66,176 would be allocated to the Orange County Housing and Community Development Department for administration of the HOME program.

Housing projects funded with Orange County HOME Program funds are subject to the County's 99-year long-term affordability policy, and must remain affordable for 99 years. Orange County records deed restrictions on the properties with the Register of Deeds for affordable housing projects.

For a total of \$810,652

BE IT FURTHER RESOLVED, that the Town Manager is hereby designated as the authorized representative of the Town to act in connection with the submission of this plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun, Mark Chilton

ANNUAL REPORT ON NPDES STORMWATER PERMIT

Carrboro was issued an NPDES stormwater permit in July 2005. The permit includes annual performance requirements for each of its five years. The purpose of this agenda item is to update the BOA on staff activities for year three of the permit, which requires BMP implementation, operation, maintenance, and inspection; establishment of an illicit discharge detection and elimination program; and provisions for protecting Nutrient Sensitive Waters. Some of these requirements have already been addressed in prior years. A resolution accepting the staff memorandum was recommended for adoption.

Randy Dodd, the town's Environmental Planner, made the presentation.

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

**A RESOLUTION RECEIVING THE STAFF REPORT ON STORMWATER PERMIT
Resolution No. 126/2007-08**

WHEREAS, Carrboro entered into a 5 year NPDES stormwater water permit on July 1, 2005 with the State of North Carolina; and

WHEREAS, Carrboro maintains a municipal separate storm sewer system (MS4); and

WHEREAS, Carrboro is committed to the ongoing high quality management of stormwater runoff within the Town's jurisdiction;

NOW THEREFORE, the Carrboro Board of Alderman does hereby:

1. Accept the memo prepared by staff outlining Year 3 permit requirements and staff recommendations for pursuing these requirements
2. Direct staff to continue to work to pursue these recommendations to satisfy Year 3 permit requirements.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

A DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2008 GENERAL ASSEMBLY SHORT SESSION

The purpose of this agenda item was to facilitate a discussion of legislative issues to present to our local delegation at the upcoming legislative breakfast. The delegation may be able to pursue some of the issues presented during the upcoming short session of the NC General Assembly.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE
CARRBORO BOARD OF ALDERMEN FOR THE
GENERAL ASSEMBLY SHORT SESSION STARTING IN MAY 2008
Resolution No. 128/2007-08

WHEREAS the General Assembly of the State of North Carolina will begin its 2008 short session in May of 2008, and

WHEREAS the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests, and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments,

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen's legislative priorities for this session, include (not in order of importance):

1. Support for the Triangle J Council of Governments' 2008 Regional Legislative Agenda, except where noted below.
2. Support for the N.C. League of Municipalities' Legislative Agenda, except where noted below.
3. Support for energy efficiency standards for residential and commercial construction.
4. Support for the Climate Change Commission recommendations.
5. Support for additional taxes to fund regional public transit, including a commuter rail system.
6. Support for increased funding for the N.C. Housing Trust Fund.
7. Support for increased medical benefits for uninsured children.
8. Support for greater state-wide funds for mass transportation including:
 - a) Connections between Durham/Chapel Hill/Raleigh
 - b) Greater funds for buses
 - c) Program that connects and discusses more public transit east to Raleigh/Durham.
9. Opposition to any tax scheme that does not allow cities and counties to tax undeveloped property when it is subdivided.
10. Support for additional funding and legislation to help mentally ill people and support for Freedom House's request for state funding.
11. Continued support of Senator Kinnaird's living wage legislation.
12. Support for a ban on smoking in public facilities in North Carolina.
13. Support for Carrboro's proposed campaign finance bill...
14. Continued support for the various child care subsidy programs and early childhood subsidy programs, including low-wealth schools.
15. Support for a Town Charter amendment to add sexual orientation, gender identification, and gender expression to the list of bases upon which the Board of Aldermen may by ordinance prohibit housing discrimination.
16. Support for the repeal of State Statute 95-98 which prohibits collective bargaining by public employees.
17. Support for the Land for Tomorrow initiative.
18. Opposition to state funding or participation in the Federal 287(g) program, and review of the effectiveness of that program.
19. Request for a comprehensive water resource conservation/efficiency requirements and land use planning requirements.
20. Request for increased energy efficiency and conservation legislation and opposition to additional coal and nuclear power facilities being established.
21. Support for a Town Charter amendment to allow entering private property for illicit discharge inspections.

22. Support for consumer protection legislation and opposition to predatory lending practices, and strengthening of laws dealing with foreclosures.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of April 2008:

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST TO USE TOWN COMMONS

Mr. Stewart reported that the town staff has received a request from the Obama campaign to use the Town Commons on Friday, May 2nd between the hours of 1-3p.m. or 2-5p.m. for a rally and voter registration drive. They are anticipating a crowd of approximately 4,000 and the town staff has concerns about this number of people on the Town Commons during Town Hall business hours, the noise generated by two bands at the event, the parking for this number of people, whether streets will need to be closed, etc. He stated that he had spoken with the Board of Elections about the effect this will have on one-stop absentee voting and they will have additional employees available. He stated that off-duty police officers will most likely be needed and is considering the possibility of requesting assistance from the Chapel Hill Police Dept. He suggested that the organizers be required to reimburse the town for extra costs incurred

Alderman Lavelle suggested that the town staff develop a protocol for events of this nature taking place on the Town Commons.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO AUTHORIZE THE TOWN MANAGER TO COORDINATE THIS EVENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 9:50 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

Mayor

Town Clerk