

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 18, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Randee Haven-O'Donnell
	John Herrera
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin Mirman

Absent:

Aldermen	Jacquelyn Gist
----------	----------------

**CHARGE ISSUED TO NEW BOARD APPOINTEE**

The Deputy Town Clerk issued a charge to Jennifer Winston, a recent appointee to the Environmental Advisory Board.

\*\*\*\*\*

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO APPROVE THE NOVEMBER 11, 2008 MINUTES, WITH A CORRECTION THAT THE BOARD VOTE ON THE RESOLUTION IN SUPPORT OF CIVIL MARRIAGE FOR SAME-SEX COUPLES AT THE NEXT MEETING OF THE BOARD OF ALDERMEN. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

\*\*\*\*\*

**A REQUEST TO ADOPT A RESOLUTION TO AWARD A WEAPON TO A RETIRING POLICE OFFICER**

Police Captain Daryl Caldwell will retire from the Carrboro Police Department on December 31, 2008 after 28 years of service. The Police Department would like to award Captain Caldwell his service side arm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen was requested to adopt by resolution Town staff's recommendation to award the service side arm to Captain Daryl Caldwell.

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

A RESOLUTION AWARDDING A SERVICE SIDE ARM TO  
A RETIRING POLICE OFFICER  
Resolution No. 44/2008-09

WHEREAS, Police Captain Daryl Caldwell is retiring from the Carrboro Police Department on December 31, 2008 after twenty-eight years (and two months) of service; and

WHEREAS, Captain Caldwell has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

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

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt this resolution awarding the service side arm to Captain Daryl Caldwell.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 18th day of November 2008:

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

Noes: None

Absent or Exc used: Jacquelyn Gist

\*\*\*\*\*

### **AWARD OF CONTRACT FOR BOLIN CREEK GREENWAY CONCEPTUAL PLAN**

The Greenways Commission has selected a firm to develop the conceptual plan for the Bolin Creek Greenway. Staff recommended that the Board of Aldermen authorize the Town Manager to execute a contract with Greenways Incorporated to develop the plan.

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

#### **A RESOLUTION AWARDING THE CONTRACT FOR THE BOLIN CREEK CONCEPTUAL PLAN TO GREENWAYS INCORPORATED**

Resolution No. 38/2008-09

WHEREAS, the Carrboro Board of Aldermen has authorized staff to pursue a conceptual plan for the Bolin Creek Greenway; and

WHEREAS, the Town has been allocated funding for a greenway plan from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Town has allocated funds from the General Obligation Bond for the purpose of greenway planning; and

WHEREAS, the Greenways Commission has selected a preferred consultant to develop the plan;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize the Town Manager to execute a contract with Greenways Incorporated to develop the Bolin Creek Greenway conceptual plan, with the stipulation that the discrimination clause include sexual orientation and identity.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 18th day of November 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

\*\*\*\*\*

**REQUEST TO ADOPT A TOWN CODE AMENDMENT PROHIBITING ILLICIT DISCHARGES INTO AND CONNECTIONS TO THE TOWN'S STORM SEWER SYSTEM**

Carrboro's NPDES stormwater permit requires action on establishment of an illicit discharge detection and elimination program, as reviewed by the Board of Aldermen in May 2008. The purpose of this agenda item was for the Board of Aldermen to formally adopt the Town Code amendment that provides the legal authority for the program.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROHIBIT ILLICIT DISCHARGES INTO AND CONNECTIONS TO THE TOWN'S STORM SEWER SYSTEM". VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

\*\*\*\*\*

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

The purpose of this item was to request that the Board of Aldermen set a public hearing for January 27, 2009 on a Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets for the Kidney Kare 5K Run/Walk.

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

A RESOLUTION SETTING A PUBLIC HEARING ON A  
TEMPORARY STREET CLOSING REQUEST  
Resolution No. 36/2008-09

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that January 27, 2009 at 7:30 PM is hereby set as the date for a public hearing on a request by the UNC Kidney Center to temporarily close and use the following streets on Saturday March 21, 2009 from 8:25 AM to 9:45 AM for the Kidney Kare 5K Run event:

Start and Finish on McDougle Southeast Drive

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

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 Southeast Drive*

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 18th day of November 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

\*\*\*\*\*

**REQUEST TO APPROVE THE IPWG GUIDING PRINCIPLES GOVERNING COMMUNITY USE OF SCHOOL FACILITIES FOR RECREATION**

The purpose of this agenda item was for the Mayor and Board of Aldermen to review the memorandum concerning guiding principles governing community use of school facilities for recreation and support the Intergovernmental Parks Work Group in re-examining current policies.

The following resolution was introduced by Alderman Lydia Lavelle and duly seconded by Alderman Dan Coleman.

**A RESOLUTION APPROVING GUIDING PRINCIPLES GOVERNING  
COMMUNITY USE OF SCHOOL FACILITIES FOR RECREATION  
Resolution No. 37/2008-09**

WHEREAS, the Intergovernmental Parks Work Group was reconstituted by the jurisdictions with Orange County in 2004, with a charge to further continue the collaboration and coordination of parks planning with Orange County; and

WHEREAS, the Intergovernmental Parks Work Group has identified a re-examine current policies and processes that govern community use of school for recreation;

WHEREAS, the IPWG feels there is a need for additional community use of school facilities for recreation;

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

Section 1. The Intergovernmental Parks Work Group should incorporate the recommendations from the Carrboro Recreation and Parks Commission, which are:

Key Issue # 5 – Request a second level of priority for public recreation programs. Student activities encompass the first priority level.

Key Issue # 8 – Emphasize the importance of more access to school facilities that are often gated and closed.

Key Issue # 9 – Emphasize the importance of having a process that governs general facility usage and if necessary more specific criteria that can be used from school to school. Also every effort be made to maintain effective communication and coordination between municipalities and the school system.

Section 2. Support of the memorandum, guiding principles and re-examination of policies and procedures.

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 18th day of November 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

\*\*\*\*\*

**REQUEST TO SET A SPECIAL MEETING OF THE BOARD OF ALDERMEN TO DISCUSS THE AGENDA FOR THE 2009 PLANNING RETREAT**

The Board was requested to set a special meeting for Tuesday, December 2, 2008 at 6:00 p.m. to discuss the agenda for the 2009 Planning Retreat.

Alderman Coleman stated that he preferred to meet and discuss the retreat at the regular Board meeting.

Alderman Broun stated that the Board felt that the last two retreats were not that successful and that is why we are trying to get everyone on board in planning next year's retreat.

Mayor Chilton stated that Alderman Herrera indicated that he was comfortable with the Board meeting at 6:00 p.m. on December 2<sup>nd</sup> even though he would not be able to attend.

The following resolution was introduced by Alderman Lydia Lavelle and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION SETTING A SPECIAL MEETING OF THE BOARD OF ALDERMEN  
Resolution No. 46/2008-09**

WHEREAS, the Carrboro Board of Aldermen has scheduled a planning retreat for February 2, 2009; and

WHEREAS, a special meeting is requested to discuss retreat outcomes and agenda for the 2009 Planning Retreat.

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

Section 1. To set a special meeting for Tuesday, December 2, 2008 at 6:00 p.m. in Room 100 of Carrboro Town Hall to discuss the 2009 planning retreat.

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 November 2008:

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

Noes: Dan Coleman

Absent or Excused: Jacquelyn Gist

\*\*\*\*\*

**AWARD OF CONTRACT FOR MORGAN CREEK GREENWAY CONCEPTUAL PLAN**

The Greenways Commission has selected a firm to develop the conceptual plan for the Morgan Creek Greenway. Staff recommends that the Board of Aldermen authorize the Town Manager to execute a contract with Coulter, Jewell & Thames, pending approval from the North Carolina Department of Transportation.

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

**A RESOLUTION AWARDING THE CONTRACT FOR THE  
MORGAN CREEK CONCEPTUAL PLAN TO COULTER, JEWELL & THAMES  
Resolution No. 40/2008-09**

WHEREAS, the Carrboro Board of Aldermen has authorized staff to pursue a conceptual plan for the Morgan Creek Greenway; and

WHEREAS, the Town has been allocated funding for a greenway plan from the DCHC Metropolitan Planning Organization; and

WHEREAS, the Town has allocated funds from the bond for the purpose of greenway planning; and

WHEREAS, the Greenways Commission has selected a preferred contractor to develop the plan; and

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize the Town Manager to execute a contract with Coulter, Jewell, & Thames to develop the Morgan Creek Greenway conceptual plan, upon NCDOT approval, with the stipulation that the discrimination clause include sexual orientation and identity.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 18th day of November 2008:

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

Noes:

Absent or Excused: Jacquelyn Gist

\*\*\*\*\*

**PRESENTATION OF THE AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2008 AND SAS 112 REPORT**

The presentation tonight allowed the Board to receive the FY2007-2008 audit report and allowed for LaVonne Montague, CPA, of Dixon Hughes, PLLC who oversees the town's audit to present the report and to discuss recent auditing changes that became effective June 2008 and what those changes meant to the Town regarding the performance of this year's audit.

LaVonne Montague made a presentation to the Board.

Mayor Chilton stated that he was proud of the town staff and that their good work was recognized by an outside independent auditor. He said he is happy to report to the taxpayers of Carrboro how their money is being handled.

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

A RESOLUTION ACCEPTING THE 2007-08 AUDIT REPORT INCLUDING ALL OTHER  
DOCUMENTS RELATED TO THE AUDIT REPORT  
Resolution No. 43/2008-09

WHEREAS, the Carrboro Board of Aldermen have received the annual 2007-08 Audit Report; and

WHEREAS, the Aldermen were informed by the Town's auditors, Dixon Hughes, PLLC that the Town's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses

WHEREAS, any internal control deficiencies that are required to be reported under Government Auditing Standards were identified and have planned corrected actions;

WHEREAS, the Aldermen are informed about changes in auditing standards and changes in the content of management letters and other such communications about internal controls that may come forward in future years;

WHEREAS, the audit standard changes are designed with the intent of improving internal controls and financial processes to accurately and adequately reflect the financial statements and condition of the Town.

NOW THEREFORE, THE BOARD OF ALDERMENT OF THE TOWN OF CARRBORO:

Section 1: Accept the 2007-2008 Certified Annual Financial Report (CAFR) and all related documents related to the audit report.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 18th day of November 2008:

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

Noes: None

Absent or Exc used: Jacquelyn Gist

\*\*\*\*\*

**PRESENTATION BY OWASA ON THE TASTE OF HOPE CUSTOMER ASSISTANCE PROGRAM**

Representatives from OWASA discussed OWASA'S Taste of Hope Customer Assistance Program and requested that the Town of Carrboro endorse the program.

William Stott, a Carrboro representative on the OWASA Board of Directors, thanked the Board for his appointment. He referred to Randy Kabrick's letter, Chair of OWASA Board, requesting official recognition by the Board to help promote the program to the community so more people could participate. OWASA customers who wish to contribute can contact: [webmaster@owasa.org](mailto:webmaster@owasa.org) or call customer service at 537-4343.

He stated contributing by paying up would not exceed \$12.00 dollars a year for the average household. The money helps moderate and low income families pay their water bills. Currently, only 5% of OWASA customers in our area participate in the program and they are hoping for more. He stated that OWASA is not allowed to advertise the program, so that is why they are asking for the local government's recognition.

Chris Moran, with the Interfaith Council, addressed the board and spoke in support of the Taste of Hope Program.

Mr. Stewart stated that the town staff will put a link on the town website, use the public access channel 18, and email a notice to neighborhood associations regarding the program.

The following resolution was introduced by Alderman Joal Broun and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION ENDORSING THE TASTE OF HOPE PROGRAM  
AND ENCOURAGING MORE CITIZENS TO BECOME DONORS  
Resolution No. 45/2008-09

WHEREAS, these are difficult times because of the slowdown in the economy and increases in the costs of necessities such as energy and food, and these circumstances are most challenging for families who have the least resources; and

WHEREAS, when a family in our community cannot pay for water and sewer service, the family is in a financial emergency; and

WHEREAS, our citizens have demonstrated in many ways for many years their commitment to and caring for the well-being of everyone in the community; and

WHEREAS, since 1997 the Inter-Faith Council for Social Service (IFC) and the Orange Water and Sewer Authority (OWASA) have sponsored the Taste of Hope Program to help low to moderate income OWASA customers when they are unable to pay their water/sewer bills; and

WHEREAS, if an OWASA customer decides to become a regular donor to the Taste of Hope Program, the customer's monthly bill is automatically rounded up to the nearest dollar, and the added amount goes to the IFC to help OWASA customers; and

WHEREAS, the IFC has a track record of commitment and service to families in need in the Chapel Hill-Carrboro-Southern Orange County community since 1963 as a tax-exempt, charitable 501(c)(3) organization; and

WHEREAS, OWASA is a community-owned, non-profit public entity and in accord with State law, OWASA does not use its customers' revenues to fund or promote the Taste of Hope program, but uses voluntary donations; and

WHEREAS, only about 5% of OWASA's customers are regular donors in the Taste of Hope program and it is apparent that the Taste of Hope program is not widely known; and

WHEREAS, an OWASA customer can become a Taste of Hope donor simply by calling OWASA Customer Service at 537-4343, sending e-mail to [webmaster@owasa.org](mailto:webmaster@owasa.org) or using OWASA's on-line form at [https://owasaorg.ipower.com/taste\\_form.asp](https://owasaorg.ipower.com/taste_form.asp); and

WHEREAS, citizens are also invited to contribute to the Taste of Hope program with donations directly to the IFC at 100 West Main Street, Carrboro, NC 27510; and

WHEREAS, the Board of Aldermen endorse doubling the amount of people who signed up for the Taste of Hope and set a goal for Carrboro to raise participation from 5% to 10%; and

WHEREAS, staff is directed to find low/minimal cost ways to advertise the Taste of Hope Program.

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

Section 1. The Board strongly endorses the Taste of Hope Customer Assistance Program sponsored by the Inter-Faith Council for Social Service and the Orange Water and Sewer Authority.

Section 2. The Board expresses its sincere appreciation to citizens who are already Taste of Hope donors.

Section 3. The Board encourages more citizens to donate to the Taste of Hope program on a regular basis by having their monthly OWASA bills rounded up to the nearest dollar and/or by making donations directly to the IFC.

Section 4. 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 November 2008:

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

Noes: None

Absent or Exc used: Jacquelyn Gist

\*\*\*\*\*

### **REPORT FROM THE GREENWAYS COMMISSION**

The Chair of the Greenways Commission, George Daniel, updated the Board of Aldermen on the activities of the Greenways Commission since it began meeting in January 2008.

Mayor Chilton said he was glad to hear about the level of focus and immediate projects with the Bolin and Morgan Creek trails.

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

**A RESOLUTION FOR RECEIVING A REPORT FROM THE  
GREENWAYS COMMISSION CHAIR  
Resolution No. 39/2008-09**

WHEREAS the Board of Aldermen created a Greenways Commission to "...recommend to the Board policies, programs, and actions that may assist the town in safeguarding the water quality, environment and livability of the community by establishing greenways..." and

WHEREAS the Chair of the Greenways Commission has prepared a report updating the Board of Aldermen on the Commission's activities,

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen accepts the report from the Greenways Commission Chair.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 18th day of November 2008:

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

Noes: None

Absent or Exc used: Jacquelyn Gist

\*\*\*\*\*

**A REQUEST TO ADOPT AN AMENDMENT TO CHAPTER 12 (FIRE PROTECTION) OF THE TOWN CODE**

In an effort to enhance the public's safety in our community, several fire protection ordinance amendments are provided for the Board to consider based on previous emergencies that have occurred within our town.

Travis Crabtree, the town's Fire Chief, made a presentation to the Board.

Mayor Chilton asked what the landlord's obligation is for installing smoke detectors.

Chief Crabtree stated that all landlords are required to have smoke detectors installed. If there is not one, the occupant must request one in writing and owner has 30 days to have one installed. The occupant should keep a copy and send the request by registered mail.

Mayor Chilton expressed his desire to have landlords in our town be on notice that they are required to have smoke detectors installed in rental units.

Chief Crabtree stated that the fire department has free smoke detectors.

Mr. Stewart stated that the town staff is planning a series of community meetings with apartment communities and several departments will meet with residents to advise them that they have this right.

Alderman Haven-O'Donnell suggested displaying information for pick-up at a table on July 4<sup>th</sup>.

Bob Kirshner, a resident of Carrboro, addressed the Board. He asked about the housing code, fines, and inspection.

Chief Crabtree stated that they are not allowed to inspect rental property unless they are invited.

Mr. Kirshner stated that he does not think it is necessary to put up extinguisher posts in a breezeway/stairwell for multi-families and that all homeowners should be required to do so. He asked about Class A coating on pine straw. He thanked the Board and town for supporting the Greenway Commission.

Chief Crabtree said that the extinguisher applies to town homes but not condominiums.

Alderman Herrera asked about liability to maintain the smoke alarms.

Travis Crabtree stated that it is the landlord's responsibility to check and be sure the batteries are working.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 12 ("FIRE PROTECTION") OF THE CARRBORO TOWN CODE". VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL BROUN TO HAVE THE TOWN ATTORNEY PREPARE AN ORDINANCE REVISING SECTION 12-14 (B)(3) TO ALTER SPRINKLER PROVISIONS BASED ON SQUARE FOOTAGE PER OCCUPANCY. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

\*\*\*\*\*

MOTION WAS MADE BY RANDEE HAVEN O'DONNELL AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 9:11 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

\*\*\*\*\*

---

Mayor

---

Deputy Town Clerk