

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 2, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	John Herrera
	Joal Hall Broun

**REQUEST TO ADOPT A RESOLUTION SUPPORTING CONNECTION OF HOMES IN HISTORIC ROGERS-EUBANKS COMMUNITY TO OWASA SERVICE**

Tracy Kuhlman, speaking on behalf of the Rogers-Eubanks Neighborhood Association and the Coalition to End Environmental Racism, asked the Board of Aldermen to consider adopting a resolution in support of providing OWASA water and sewer service connections to all of the residences of the Historic Rogers-Eubanks community.

Minister Robert Campbell requested that Board begin a dialog with Chapel Hill and Orange County to ensure that the needs of Ms. Gertrude Nunn and other residents of the historic Rogers-Eubanks Road neighborhood are met.

Mayor Chilton asked that the town staff provide feedback on the draft resolution, and stated that he would meet with Mayor and Foy and Chair Foushee to discuss Ms. Nunn's situation. He also stated that the Carrboro Board of Aldermen has taken preliminary steps to move toward having sewer service provided to the parts of Rogers Road located in Carrboro. In addition, as part of the Colleton Crossing development consideration, the Board of Aldermen has discussed how the sewer line extending through that development would bring the sewer line closer to the Rogers Road neighborhood. Finally, the Board of Aldermen has increased the subsidy for connections to OWASA sewer, although this will not benefit the Rogers Road neighborhood at the current time.

Alderman Gist stated that fifteen years ago she and Mark Chilton had fought to keep the construction and demolition dump from being located next to Ms. Nunn's home

**MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO REFER THE RESOLUTION PROPOSED BY MS. KUHLMAN TO THE STAFF FOR INPUT, AND THAT MAYOR CHILTON HAVE DISCUSSIONS WITH MAYOR FOY AND CHAIR FOUSHEE. AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)**

Alderman Coleman asked for information on which homes located in Carrboro are considered part of the historic Rogers-Eubanks neighborhood and which of those homes are having problems with their wells and septic systems.

\*\*\*\*\*

**PROCLAMATIONS ISSUED**

Mayor Chilton read a proclamation proclaiming December 15th as Bill of Rights Day and a proclamation proclaiming December 9<sup>th</sup> as Margaret Misch Day in the Town of Carrboro.

\*\*\*\*\*

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO APPROVE THE NOVEMBER 18, 2008 MINUTES, AS REVISED. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**PERSONNEL ORDINANCE CHANGE AMENDING THE TOWN CODE TO REFLECT THE FIVE-YEAR SERVICE REQUIREMENTS FOR THE SERVICE LEVEL BENEFIT AWARD AND INCLUDING THE LIVING WAGE POLICY**

The purpose of this item was to present to the board changes to the Personnel Ordinance as related to service level benefit award and the living wage. These changes are necessary to include information that was inadvertently omitted when the ordinance was revised.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE AS IT PERTAINS TO THE SERVICE LEVEL BENEFIT AWARD AND LIVING WAGE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

Alderman Coleman presented a proposal for using a housing wage standard and asked that the town staff prepare a plan for implementing the housing wage standard for the 2010-2011 budget in lieu of a living wage.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O-DONNELL TO REQUEST THAT THE TOWN STAFF PREPARE A PLAN FOR IMPLEMENTING THE HOUSING WAGE STANDARD FOR THE 2010-2011 BUDGET IN LIEU OF A LIVING WAGE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**REQUEST TO ADOPT A BUDGET AMENDMENT**

The Board of Aldermen was requested to approve a budget amendment acknowledging the allocation of additional DCHC Metropolitan Planning Organization grant revenue to fund a feasibility study for a pedestrian and bicycle path that would connect the neighborhoods on the north and south sides of Morgan Creek, and integrate the path with the future Morgan Creek greenway trail.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2008-09 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATING TO THE APPOINTMENT OF CHAIRS OF ADVISORY BOARDS AND THE BOARD OF ADJUSTMENT**

The Board of Aldermen has requested that staff prepare an amendment to the Land Use Ordinance to limit the terms for advisory board chairs to two consecutive terms. A draft ordinance pertaining to the five advisory boards and commissions that are established by the Land Use Ordinance has been prepared. The Board of Aldermen must receive public comment before deciding on this draft ordinance. A resolution setting a public hearing and referring the draft ordinance to the Planning Board and Orange County was provided for the Board's use.

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

A RESOLUTION SETTING A PUBLIC HEARING ON A LAND USE ORDINANCE  
TEXT AMENDMENT RELATING TO ADVISORY BOARD OR  
BOARD OF ADJUSTMENT APPOINTMENTS  
Resolution No. 54/2008-09

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 directed staff to prepare a draft ordinance to amend the Land Use Ordinance to relating to advisory board and board of adjustment appointments; and

WHEREAS, a draft ordinance has been prepared.

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

Section 1. Sets a public hearing for January 27, 2009; and

Section 2. 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 2nd day of December 2008:

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

Noes: None

Absent or Excused: John Herrera, Joal Hall Broun

\*\*\*\*\*

**AN ORDINANCE AMENDING THE TOWN CODE RELATING TO THE APPOINTMENT OF  
ADVISORY BOARD CHAIRS AND REQUEST TO ADOPT REVISED GUIDELINES FOR MAKING  
ADVISORY BOARD APPOINTMENTS**

Pursuant to Board direction on November 11, 2008, the town staff prepared an amendment to the Town Code amendment relating to advisory boards and revised the Guidelines for Selecting Advisory Board and Commission Members.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE PROVISIONS RELATING TO ADVISORY BOARDS," AND THAT THE REVISED GUIDELINES FOR SELECTING ADVISORY BOARD AND COMMISSION MEMBERS BE APPROVED. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**TOWN CODE AMENDMENT TO BAN CARDBOARD IN ROLL-OUT CONTAINERS**

The purpose of this item was to amend the Town's ordinance with regards to collection of cardboard in response to the County implementing a residential curbside cardboard collection service.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE AMENDMENT CHAPTER 11 (SOLID WASTES, SCRAP MATERIALS, ABANDONED VEHICLES, WEEDS) OF THE CARRBORO TOWN CODE.” VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**FOLLOW UP REPORT ON ANTI-LINGERING ORDINANCE FOR THE DAVIE/JONES FERRY ROAD INTERSECTION**

The purpose of item was to provide a follow-up report to the Carrboro Board of Aldermen on the Limited Anti-Lingering ordinance approved by the Board on November 20, 2007.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO POSTPONE THIS ITEM UNTIL JANUARY. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**A RESOLUTION SUPPORTING CIVIL MARRIAGE FOR SAME SEX COUPLES**

The Board of Aldermen at its meeting on November 11, 2008 voted to request that the town staff draft a resolution for Board consideration supporting civil marriage for same sex couples. The town staff has prepared a resolution for the Board’s consideration.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Lydia Lavelle.

**A RESOLUTION IN SUPPORT OF CIVIL MARRIAGE FOR SAME-SEX COUPLES**  
Resolution No. 47/2008-09

WHEREAS, the institution of civil marriage confers a social status and important legal benefits, rights, and privileges; and

WHEREAS, lesbians and gay men possess the same potential and desire for sustained loving and lasting relationships as heterosexuals; and

WHEREAS, same-sex couples are raising children and have the same potential and desire as heterosexual couples to love and parent children; and

WHEREAS, existing marriage laws in the United States discriminate against same-sex couples; and

WHEREAS, same-sex couples and their children are adversely affected by these discriminatory marriage laws; and

WHEREAS, discriminatory marriage laws deprive same-sex couples of over 1000 federal rights and benefits; and

WHEREAS, same-sex couples are regularly denied access to the benefits automatically bestowed by civil marriage including, among others, health care coverage and related decision-making, privileges under immigration and naturalization law, inheritance rights, survivor benefits and child custody; and

WHEREAS, today same-sex couples face opposition to the right to civil marriage in the United States,

WHEREAS, the legal recognition of civil marriage for same-sex relationships will provide lesbians and gay men and their families with these benefits, as well as providing them the respect they are currently denied;

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen endorses and supports the rights of same-sex couples to share fully and equally in the rights, responsibilities and commitments of civil marriage and encourages our state and national legislative delegations and President-Elect Obama to support these rights.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 2nd day of December 2008:

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

Noes: None

Absent or Excused: John Herrera, Joal Hall Broun

\*\*\*\*\*

**A REQUEST TO ADOPT A BUDGET AMENDMENT**

A budget amendment was required to recognize the \$5,880 grant that will be awarded from the ABC Board for the Police Department to purchase equipment to be used when conducting investigations involving alcohol violations.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2008-09 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

**REQUEST TO SET JOINT PLANNING PUBLIC HEARINGS AND ASSEMBLY OF GOVERNMENTS MEETING DATES FOR 2009**

The Mayor and Board of Aldermen were requested to adopt a resolution setting Joint Planning Public Hearings and Assembly of Governments meeting dates for 2009.

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

A RESOLUTION SETTING  
JOINT PLANNING PUBLIC HEARING DATES  
AND ASSEMBLY OF GOVERNMENT MEETING DATES FOR 2009  
Resolution No. 51/2008-09

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro to set Joint Planning Public Hearing dates for:

Thursday, April 30th  
Thursday, October 29th

BE IT FURTHER RESOLVED that Assembly of Governments meetings be set for:

Thursday, March 26th  
Thursday, September 24th

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 2nd day of December 2008:

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

Noes: None

Absent or Excused: John Herrera, Joal Hall Broun

\*\*\*\*\*

**REQUEST TO SET A PUBLIC HEARING FOR MAJOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR CLAREMONT SUBDIVISION, PHASES IV AND V**

Parker Louis, LLC as represented by Phil Post and Associates, has submitted an application for the construction of two additional phases of Claremont Subdivision that would create a 96 dwelling unit subdivision located at 1001 Homestead Road. The Major Modification to the Conditional Use Permit, if approved, would allow the creation of 69 single-family-detached and 27 townhouses with associated infrastructure, including publicly dedicated streets. The applicant requested that the Board schedule the public hearing date for the modification to the conditional use permit for January 27, 2009.

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

**A RESOLUTION CALLING A PUBLIC HEARING FOR A MAJOR MODIFICATION TO THE ORIGINAL CONDITIONAL USE PERMIT FOR CLAREMONT SUBDIVISION PHASE IV AND V  
Resolution No. 53/2008-09**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed major modifications to the conditional use permits; and

WHEREAS, a major modification to the original Conditional Use Permit allowing two additional phases for property located at 1001 Homestead Road has been proposed.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on January 27, 2009 to consider a major modification to the conditional use permit request for the property at 1001 Homestead Road.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 2nd day of December 2008:

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

Noes: None

Absent or Excused: John Herrera, Joal Hall Broun

\*\*\*\*\*

**A REVIEW OF AFFORDABLE HOUSING FOR THE VERIDIA REDEVELOPMENT  
CONDITIONAL USE PERMIT PROJECT**

Because the possible Veridia redevelopment Conditional Use Permit project does not propose to reserve 15% of its units as affordable, Section 15-54.1 of the Land Use Ordinance requires that the applicant participate in an Affordable Housing Review Meeting with the Board of Aldermen before project review may begin. At this time, the Board of Aldermen was asked to review the affordable housing component of the possible Veridia redevelopment project.

Mayor Chilton asked to be recused because he has done real estate and legal work for the developer.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY LYDIA LAVELLE TO RECUSE THE MAYOR. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

Trip Overholt stated that his proposal is to replace the existing 39 mobile home units with 39, 1,350-square foot, three-bedroom homes. He described the proposed project that would include a 100 kilowatt community solar array to make the community energy independent, collection of rain water to allow a 40% reduction in water use. In addition, they will meet LEEDs and energy star standards. They will also provide a large internal greenway, community house, community gardens and recreation area and sell the homes for \$289,000. He stated that the town's affordable housing provision cannot be fairly applied to their project because: (1) they are restricted in size per unit to 1,350 square feet, therefore preventing the construction of larger more profitable homes; and (2) due to the existing allowable density which would completely fill the property, they are unable to benefit from the affordable housing density bonus which would allow more market rate homes to offset the cost of affordable homes.

Alderman Coleman spoke in support of the proposal and stated that he would like to see as many of the green features as conditions in the conditional use permit as possible.

Alderman Haven-O'Donnell complimented Mr. Overholt and Giles Blunden on the proposal and stated that the Board may wish to look at the affordability component and how it relates to the energy efficiency and use of the land.

Alderman Lavelle complimented Mr. Overholt on the development proposal.

Alderman Gist stated that the proposal looks good on paper but asked how to ensure that what is on paper is what ends up on the ground. She stated that she really liked the price range of the homes.

Mike Brough stated that the Board could not establish a maximum price for the homes, but the size of the homes and other features proposed could be established by conditions on the permit.

\*\*\*\*\*

**REVIEW OF 2035 LONG RANGE TRANSPORTATION PLAN "TRANSPORTATION OPTIONS"**

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is soliciting feedback on the *2035 Long Range Transportation Plan: Transportation Options*. This is the next step towards developing the final 2035 Long Range Transportation Plan. Staff from the MPO will be presenting the *Options* report for your comments.

Andy Henry, Transportation Planner for the Durham-Chapel Hill Metropolitan Planning Organization, made the presentation.

James Carnahan, Chair of the Planning Board, discussed the Planning Board's recommendations.

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

A RESOLUTION PROVIDING COMMENTS ON THE  
2035 LONG RANGE TRANSPORTATION PLAN *TRANSPORTATION OPTIONS*  
Resolution No. 50/2008-09

WHEREAS, the Town of Carrboro participates in the development of the 2035 Long Range Transportation Plan as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Transportation Advisory Board, Planning Board, and Environmental Advisory Board have reviewed the *Options* report and provided comments for consideration by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer the following comments on the *2035 Long Range Transportation Plan: Transportation Options* to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.

1. Support light rail from downtown Durham to UNC-Chapel Hill and extend light rail from UNC-Chapel Hill to downtown Carrboro.
2. Support commuter rail service on the North Carolina Railroad corridor.
3. Restrict all highway expansion funding to lanes and facilities for express buses and bicycle improvements. Target freed up funding in support of public transit options.
4. Improved bus headways and local bus service
5. Improved bicycle facilities

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 2nd day of December 2008:

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

Noes: None

Absent or Excused: John Herrera, Joal Hall Broun

\*\*\*\*\*

**CONSIDERATION OF 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. Staff was asked to create different options that were occupancy specific with respect to Section 12-14 (g) of the Town Code.~~ The Town Attorney has prepared an ordinance for the Board's consideration.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REFER THE DRAFT ORDINANCE TO THE ECONOMIC SUSTAINABILITY COMMISSION. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:22 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

\*\*\*\*\*

---

Mayor

---

Town Clerk