

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 21, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

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

PROCLAMATION HONORING SHIRLEY E. MARSHALL

Mayor Chilton read a proclamation proclaiming April 27th as Shirley E. Marshall Day.

TRAIL GUIDE

Carrie Brewer, with Sustain Foundation, presented a Trail Guide to the Mayor and Board of Aldermen.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOHN HERRERA TO APPROVE THE APRIL 7 AND 14, 2009 MINUTES. VOTE: AFFIRMATIVE ALL

A RESOLUTION ADOPTING CHANGES IN THE BOARD OF ALDERMEN'S MEETING SCHEDULE

The purpose of this agenda item was for the Board of Aldermen to approve a resolution adopting changes in the Board of Aldermen's meeting schedule.

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

A RESOLUTION ADOPTING CHANGES IN THE
BOARD OF ALDERMEN'S MEETING SCHEDULE
Resolution No. 98/2008-09

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen hereby adopts the following changes to its meeting schedule:

1. Designate the first and third Tuesdays of each month as regular Board of Aldermen meetings.

2. Designate the second Tuesday of each month for work sessions for discussion only with a three hour time frame and discussion limited to the Mayor, Aldermen, and appropriate staff.
3. Designate the fourth Tuesday for public hearings and allow public comment on items scheduled for public hearings only; carryover of a continued public hearing until the fourth Tuesday of the following month unless it is determined that the hearing should be continued to a non-public hearing meeting because of scheduling conflicts. Avoid scheduling more than one conditional use permit hearing per meeting if possible.
4. Allow the Town Manager to use discretion in scheduling public hearings at one of the regular meetings when it will avoid an undue number of public hearings on the fourth Tuesday and it will not create an unreasonable number of agenda items for the regular meeting.
5. Inform the Manager of matters needing staff attention prior to meetings.
6. Agree to cancel public hearings and worksessions when there are no items scheduled

Section 2. Regular meetings, worksessions, or public hearings will not be scheduled during the month of July, the first three weeks in August, the last three weeks in December and the first full week in January.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 21st day of April 2009:

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

Noes: None

Absent or Excused: None

A RESOLUTION ADOPTING THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AS GUIDING PRINCIPLES

The Board of Aldermen considered adoption of a resolution that would adopt the Universal Declaration of Human Rights as guiding principles for the Town of Carrboro.

Mark Dorosin stated that it was ironic that the Board was considering adoption of the Universal Declaration of Human Rights in light of the Board's adoption of the anti-lingering ordinance. He stated that he hopes the Board will rescind the anti-lingering ordinance.

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

A RESOLUTION ADOPTING THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS AS GUIDING PRINCIPLES
Resolution No. 89/2008-09

WHEREAS, Carrboro is a leader among American cities in advancing human rights and human dignity; and

WHEREAS, Carrboro promotes an engaged citizenry that cares for the human rights and dignity of others; and

WHEREAS, the Human Rights Center of Chapel Hill and Carrboro have petitioned the Board of Aldermen to adopt the Universal Declaration of Human Rights, promulgated by the United Nations General Assembly on December 10, 1948 and signed and agreed to by all countries, including the United States; and

WHEREAS, having been promulgated in 1948, Carrboro acknowledges that certain principles set forth in the Universal Declaration of Human Rights should be updated as follows:

- a. The preamble, in paragraph two, should make reference to “humankind” rather than “mankind”;
- b. Article 2 should also contain the statuses of ethnicity, sexual orientation and gender identity or gender expression;
- c. Article 10 should acknowledge the rights of all persons to enter into civil marriage with their partner of choice, regardless of gender;
- d. Article 16(1) should make reference to “people” rather than “men and women.” It should add “ethnicity” to the limitation clause.
- e. Article 16(3) makes reference to “family.” It should be noted that the definition of “family” has evolved greatly since 1948. Historically it was known as “the basic unit in society traditionally consisting of two parents rearing their children,” while today it further includes “any of various social units differing from but regarded as equivalent to the traditional family.”
- f. Article 25(2) should be revised to include “fatherhood” and should delete the reference to “born in or out of wedlock.”
- g. Throughout the document, any reference to “his,” “him” or “himself” should be stated “them” or “themselves” in order to be gender inclusive.

WHEREAS, the principles set forth in the Universal Declaration of Human Rights (*with clarification above*) will guide the spirit of the laws, practices, and policies carried out with and on behalf of the residents of Carrboro; and

WHEREAS, the Human Rights Center has asked that the Board to appoint an advisory committee to report to the Board on a semi-annual basis about the condition of human rights.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Board hereby adopts the Universal Declaration of Human Rights as guiding principles.

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 21st day of April 2009:

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

Noes: None

Absent or Excused: None

AWARD OF CONTRACT FOR AUDIT FIRM

The purpose of this agenda item was to award the contract for the Town’s annual audit for the year ending June 30, 2009.

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

**A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2008-09 AUDIT
Resolution No. 103/2008-09**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. That the contract for the FY 2008-09 audit be awarded to Dixon Hughes PLLC for a total cost of \$50,000.

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 21st day of April 2009:

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

Noes: None

Absent or Excused: None

REQUEST TO CANCEL APRIL 28TH PUBLIC HEARING

The town staff requested that the Board of Aldermen cancel the April 28th public hearing as there are no items scheduled for that meeting.

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

**A RESOLUTION CANCELLING THE APRIL 28, 2009
BOARD OF ALDERMEN’S PUBLIC HEARING
Resolution No. 108/2008-09**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen hereby cancels its public hearing scheduled for April 28, 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 21st day of April 2009:

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

Noes: None

Absent or Excused: None

FINAL REPORT FROM CARRBORO PARKS PROJECT ON ANDERSON PARK DISC GOLF COURSE FUND RAISING PROJECT

Katie Allman of the Carrboro Parks Project (CPP) presented the final report on the disc golf course project. To date, \$10,203 was raised through the efforts of the CPP in which to design, purchase, and install the 18-hole course at Anderson Park. She stated that the course will open on May 2nd.

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

**A RESOLUTION ACCEPTING THE FINAL REPORT
FROM CARRBORO PARKS PROJECT ON THE
ANDERSON PARK DISC GOLF COURSE FUND RAISING PROJECT
Resolution No. 104/2008-09**

WHEREAS, the Board appreciates and commends the spirit of support shown by the Carrboro Parks Project in raising funds and community awareness of public park and recreation programming; and

WHEREAS, the Carrboro Parks Project has generously donated \$10, 203 to the Town of Carrboro for the design, purchase, and installation of an 18-hole Disc Golf Course at Anderson Park; and

WHEREAS, a disc golf course at Anderson Park will add a versatile facility for citizens of all ages in the community; and

WHEREAS, the Carrboro Parks Project has also donated time towards fundraising and grant applications.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the Carrboro Parks Project for its generous donation.

Section 2. That the Board further requests that staff continue to work with the Carrboro Parks Project to complete the design, purchase, and installation of the disc golf course at Anderson Park.

Section 3. The Board accepts the final report given by the Carrboro Parks Project for the Anderson Park Disc Golf Course.

Section 4. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to the Carrboro Parks Project.

Section 5. 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 21st day of April 2009:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION OF APPRECIATION FOR THE DONATION OF FUNDS
BY ZACH WARD OF DSI COMEDY THEATER
TOWARDS THE ANDERSON PARK DISC GOLF COURSE
Resolution No. 105-2008-09

WHEREAS, Zach Ward of DSI Comedy Theater has generously donated \$4,200 to the Town of Carrboro for the design, purchase, and installation of an 18-hole disc golf course at Anderson Park; and

WHEREAS, this donation will allow the Town to install a disc golf course at Anderson Park; and

WHEREAS, Zach Ward has also donated time towards promoting the fundraising effort and initiating contacts to further the fundraising effort,

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to Zach Ward of DSI Comedy Theater for his generous donation.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Zach Ward.

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 21st day of April 2009:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION OF APPRECIATION FOR THE DONATION OF FUNDS
BY THE CHAPEL HILL-CARRBORO SUNRISE ROTARY
TOWARDS THE ANDERSON PARK DISC GOLF COURSE
Resolution No. 106/2008-09

WHEREAS, the Chapel Hill-Carrboro Sunrise Rotary has generously donated \$3,000 to the Town of Carrboro for the design, purchase, and installation of an 18-hole disc golf course at Anderson Park; and

WHEREAS, this donation will allow the Town to install a disc golf course at Anderson Park; and

WHEREAS, the Chapel Hill-Carrboro Sunrise Rotary has also donated time towards promoting the fundraising effort and assisting with volunteer work days to install the course,

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the Chapel Hill-Carrboro Sunrise Rotary for the generous donation.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to the Chapel Hill-Carrboro Sunrise Rotary.

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 21st day of April 2009:

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

Noes: None

Absent or Excused: None

A PUBLIC HEARING ON THE PRELIMINARY DESIGN FOR SMITH LEVEL ROAD TIP PROJECT U-2803

The North Carolina Department of Transportation has prepared a preliminary design of the TIP Project U-2803: Smith Level Road. A public hearing was set so that the Board of Aldermen could receive public comment on the preliminary design and provide any additional comments to NCDOT.

Adena Messinger, the town's Transportation Planner, made the presentation.

Lisa Stuckey, Chair of the Chapel Hill-Carrboro Board of Education, expressed concern about how children will be able to cross Smith Level Road at the roundabout.

Terri Buckner, a resident of Yorktown Drive, stated that she feels like NCDOT has used incorrect, old information that was taken prior to the widening of 15-501. In addition, their data does not take into consideration bus ridership. She encouraged the Board to have reduced travel lanes with sidewalks and bikelanes.

Wayne Pein, a resident of Indian Trail, stated that he feels bike lanes are inappropriate for Smith Level Road and that multiple lanes will allow traffic to pass bicyclists.

Muge Calikaglu, a resident of Orchard Lane, stated that she feels the area is built-out, that there are three schools that should be in the walk zone, that bus usage should be taken into account, that the high school was built based on walkability with limited parking provided, expressed concern about the traffic island at the

entrance to Berryhill which will increase inter-neighborhood traffic, does not want her tax money spent on this project, and expressed concern about the pedestrian deaths on 15-501 which is a four-lane road.

Jason Henning, a resident of Juniper Circle, stated that he feels this road is disproportionate in size as proposed by NCDOT, feels the proposed plan is in conflict with the town's Vision 2020 plan, the plan will require the removal of many trees, feels sidewalks and bikeways should be installed without the additional travel lanes, the traffic on Smith Level Road has decreased by 10% since 2003, this proposal will eliminate bus stops along Smith Level Road, a multi-lane highway is not needed.

Linda Henning, a resident of Juniper Circle, stated that this proposal contradicts what people want in Carrboro, it puts the safety of our children at risk, and the improvements will make it convenient for those passing through Carrboro-not for Carrboro folks.

Linda Levitch, a resident of Orchard Lane, stated that the 17 foot median will increase traffic through Berryhill, and the project is unnecessary and unwanted.

Julie Kemper, a resident of Rossburn Way, stated that she is concerned that pedestrians will not have the right-of way at the roundabout and that there will be a lot of inexperienced teenage drivers in the area of the high school.

Carol Barrow, a resident of Yorktown Drive, stated that sidewalks are needed—not more travel lanes.

Allen Leibold, a resident of Berryhill, expressed his concern about the trees that will disappear, that cars speed going downhill, and expressed concern about traffic going through Berryhill because of the median.

Charlie Hileman, Heidi Perry and Austin Brown, members of the Transportation Advisory Board, urged the Board to reject the NCDOT proposal for widening Smith Level Road and asked that the Board insist on a 2-lane road with bicycle lanes and sidewalks.

Heidi Perry stated that there are no studies indicating whether bike lanes are safer or not and that roundabouts are safe for cars and pedestrians.

Julie Coleman, a resident of 809 Smith Level Road, spoke against four lanes and u-turns.

Livy Ludington, a resident of Ray Road, asked that the project be killed.

Sammy Slade asked that the town consider not putting in infrastructure that pollutes and endangers future generations and encouraged the Board not to accept this project.

Anael, a resident of Berryhill, stated that there is a surge of traffic between 8:00-8:30 a.m. and between 5:00 – 5:30 p.m. There is no justification for 4-lane highway.

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

A RESOLUTION ON THE PRELIMINARY DESIGN OF
SMITH LEVEL ROAD TIP PROJECT U-2803
Resolution No. 107/2008-09

WHEREAS, widening of Smith Level Road has been part of the local TIP since 1990; and

WHEREAS, the North Carolina Board of Transportation included the project in the 1993-1999 TIP and designated it Project U-2803; and

WHEREAS, in 2006, the Town made a request of the North Carolina Department of Transportation to move ahead with Project U-2803; and

WHEREAS the Carrboro Board of Aldermen has received public comment on the preliminary design as prepared by the North Carolina Department of Transportation; and

WHEREAS, Section 4.41 of the Town of Carrboro Vision 2020 states: “As a general policy established roads should be widened to accommodate bike lanes and sidewalks, but not to provide additional lanes for automobiles;” and

WHEREAS, the Carrboro Board of Aldermen place priority on safe and extensive use of walk zones for Carrboro High and Frank Porter Graham Elementary School.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board provides the following comments to the North Carolina Department of Transportation:

That the North Carolina Department of Transportation be urged to drop the four-lane design of Smith Level Road and encourage the adoption of a design that includes two travel lanes with turning lanes where necessary, including bike lanes and sidewalks.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 21st day of April 2009:

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

Noes: Mark Chilton

Absent or Excused: None

Alderman Coleman asked that the town staff determine whether NCDOT’S follow up meeting will be open to the public and that this information be shared with citizens.

FUNDING FOR CARRBORO LIBRARIES

Alderman Broun asked that the Board discuss the County funding of the two Carrboro libraries and that a letter be sent to the County Commissioners in favor of keeping the two libraries open.

POSSIBLE REZONING OF HOMESTEAD COMMUNITY CENTER PROPERTY

Mayor Chilton stated that the County is proposing to sell the Homestead Community Center property and he suggested that the Board consider rezoning that property to allow for a neighborhood commercial use to locate on that property.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 9:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk