

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 25, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

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

(Note: John Herrera resigned as a member of the Board of Aldermen, effective August 20, 2009)

APPROVAL OF MINUTES OF PREVIOUS MEETINGS (ITEM C(1))

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO APPROVE THE JUNE 16 AND AUGUST 6, 2009 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT NONE

REQUEST TO AMEND THE POLICY OF POSTING ADVISORY BOARD APPLICATIONS ON THE TOWN'S WEBSITE (ITEM C(2))

The Board of Aldermen was requested to authorize the town staff to discontinue the practice of posting advisory board applications on the town's website.

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

A RESOLUTION AUTHORIZING THE TOWN STAFF TO EXCLUDE
ADVISORY BOARD APPLICATIONS FROM THE BOARD OF ALDERMEN'S AGENDAS
POSTED ON THE TOWN'S WEBSITE
Resolution No. 01/2009-10

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

Section 1. The Board of Aldermen authorizes the town staff to exclude advisory board applications from the Board of Aldermen agendas posted on the Town of Carrboro's website.

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

**REQUEST TO MAKE AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD
(ITEM C(3))**

The Board was requested to consider appointing Michael Krasnov to one of the vacant seats on the Transportation Advisory.

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

**A RESOLUTION MAKING AN APPOINTMENT
TO THE TRANSPORTATION ADVISORY BOARD
Resolution No. 02/2009-10**

WHEREAS, there are currently two vacant seats on the Transportation Advisory Board (TAB); and

WHEREAS, these positions have been advertised and Michael Krasnov has submitted an application; and

WHEREAS, his application was forwarded to the Chair of the TAB for review and consideration; and

WHEREAS, the Chair of the TAB, has reviewed this application and has completed a Summary of Applications form for the Board of Aldermen's consideration.

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

Section 1. The Board of Aldermen hereby appoints Michael Krasnov to the Transportation Advisory Board. His term shall expire in February 2012.

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "LIVESTOCK AND WILD ANIMALS,"
OF THE TOWN CODE**

The Board of Aldermen directed staff to prepare an amendment to the Town Code to make a limited exception for fainting goats and to revise the Town Code to allow neighbors to appeal the granting of a permit for goats. The Town Attorney prepared an ordinance for the Board's consideration.

Brian Voyce, a resident of Sterling Bridge Road, stated that he did not feel the proposed amendment protects the public health. He submitted two articles, one from the CDC regarding Avian Influenza, and one from Time entitled, "Is Hong King's Bird Flu Vaccine Failing?" He suggested that be a fee established to ensure that wild animals have been vaccinated, and also suggested that the Board reconsider allowing chickens in town.

Sharon Cook, a resident of Claymore Road, suggested that the Board delay its vote on the proposed ordinance allowing fainting goats until the Carrboro community has had a reasonable opportunity to consider the ordinance. She suggested that the ordinance be changed to require a minimum of one acre for keeping a limited number of livestock animals out of consideration for neighboring property owners. She stated that she feels the ordinance places an undue burden upon town residents who are opposed to living next door to livestock animals, that the ordinance should require the approval of all immediate neighbors, and that the ordinance is missing an assurance that homeowners associations will have full and final authority over whether or not to allow the ordinance provisions apply to their neighborhoods. She also stated that the ordinance under consideration tonight seeks to expand traditional farm property activities onto urban properties. Finally, she stated that there has been no discussion of a text amendment that she proposed on June 16, 2009 to allow caretaker apartments in order to keep up with the demands of modern-day farming.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "LIVESTOCK AND WILD ANIMALS," OF THE CARRBORO TOWN CODE." VOTE: AFFIRMATIVE SIX, ABSENT NONE

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REQUEST THAT THE TOWN STAFF REVIEW TOWN REGULATIONS TO DETERMINE WHETHER THE NECESSARY REGULATIONS ARE IN PLACE TO PROTECT THE PUBLIC HEALTH AGAINST ANIMAL-RELATED DISEASES. VOTE: AFFIRMATIVE ALL

A RESOLUTION APPROVING AN UPDATED ROTATION WRECKER POLICY, APPLICATION, AND AGREEMENT (ITEM C(5))

The Board was requested to adopt a resolution which authorizes the Police Department to begin using a revised and updated Rotation Wrecker Policy, Rotation Wrecker Application, and Rotation Wrecker Agreement.

Police Chief Carolyn Hutchison stated that the town currently has contracts with five or six wrecker companies.

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

A RESOLUTION ADOPTING AN UPDATED ROTATION WRECKER POLICY,
APPLICATION AND AGREEMENT
Resolution No. 06/2009-10

WHEREAS, in order to perform its traffic safety functions, the Carrboro Police Department is routinely required to use wrecker services to tow disabled, seized, wrecked, and abandoned motor vehicles; and

WHEREAS, in order to protect the interests of citizens operating motor vehicles within the corporate limits of the Town, the Police Department maintains and utilizes a rotating list of qualified operators to ensure the provision of prompt, effective, and safe towing service when requested by law enforcement or other authorized personnel; and

WHEREAS, the Town has used the same "Wrecker Rotation Agreement" for many years; and

WHEREAS, the "Wrecker Rotation Agreement" is outdated and required review and revision; and

WHEREAS, the updated and revised Rotation Wrecker Policy, Application, and Agreement provide a uniform, comprehensive, and objective method of dealing with rotation wrecker service providers;

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

Section 1. The Board of Aldermen authorizes the Police Department to use the new Rotation Wrecker Policy, Application and Agreement.

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

A RESOLUTION DESIGNATING A LOCAL OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS (ITEM C(6))

The Board of Aldermen was requested to adopt a resolution designating the Chief of Police and Police Captain as the officials empowered to make recommendations to the North Carolina Alcoholic Beverage Control Commission regarding alcoholic beverage permits.

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

**A RESOLUTION DESIGNATING AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE N.C. ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS
Resolution No. 05/2009-10**

WHEREAS, G.S. 18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the Town of Carrboro, County of Orange, North Carolina, wishes to notify the N.C. ABC Commission of its designation as required by G.S. 18B-904(f).

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

Section 1. The Carrboro Chief of Police or Police Captain is designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the Town of Carrboro, County of Orange, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

Section 2. Notices of the Town of Carrboro, County of Orange, should be mailed or delivered to the official(s) designated above at the following address:

Mailing Address: Carrboro Police Department
100 North Greensboro Street
Carrboro, N.C. 27510

Phone #: (919) 918-7397

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

A RESOLUTION CANCELLING THE SEPTEMBER 15, 2009 MEETING OF THE BOARD OF ALDERMEN (ITEM C(7))

The town staff requested that the Board of Aldermen consider cancelling the September 15, 2009 meeting of the Board of Aldermen.

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

A RESOLUTION CANCELLING THE SEPTEMBER 15, 2009
MEETING OF THE BOARD OF ALDERMEN
Resolution No. 09/2009-10

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

Section 1. The Board of Aldermen hereby cancels its meeting scheduled for September 15, 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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION (ITEM C(8))

Alderman Randee Haven-O'Donnell has been notified that her term on the Orange County Economic Development Commission has expired. She has expressed an interest in being re-appointed to represent the Town of Carrboro on this commission. The Board was requested to adopt a resolution recommending her re-appointment by the Orange County Board of Commissioners.

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

**A RESOLUTION RECOMMENDING AN APPOINTMENT
TO THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION
Resolution No. 03/2009-10**

WHEREAS, Alderman Randee Haven-O'Donnell has represented the Town of Carrboro on the Orange County Economic Development Commission since March 6, 2008; and

WHEREAS, Alderman Haven-O'Donnell's term on the Orange County Economic Development Commission expired on June 30, 2009; and

WHEREAS, Alderman Haven-O'Donnell has expressed an interest in being re-appointed to represent the Town of Carrboro on this commission.

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

Section 1. The Board of Aldermen recommends that the Orange County Board of Commissioners re-appoint Alderman Randee Haven-O'Donnell to represent the Town of Carrboro on the Orange County Economic Development Commission.

Section 2. A copy of the resolution shall be forwarded to the Orange County Board of Commissioners.

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

A RESOLUTION IN SUPPORT OF THE ADMINISTRATION'S HEALTH CARE REFORM PRINCIPLES (ITEM C(9))

Aldermen Randee Haven-O'Donnell and Jacquie Gist have prepared a resolution for the Board's consideration in support of the Administration's health care reform principles.

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

A RESOLUTION IN SUPPORT OF THE ADMINISTRATION'S
HEALTH CARE REFORM PRINCIPLES
Resolution 08/2009-10

WHEREAS, the Carrboro Board of Aldermen is committed to and have generated a letter urging Senator Hagan's full backing of the public option for health insurance sought by the Administration; and

WHEREAS, Senator Hagan has publically committed to support public option; and

WHEREAS, municipalities are on the frontline of the health care crisis with high rates of uninsurance and rapidly escalating costs affecting residents, businesses, and workers; and

WHEREAS, Carrboro government spends \$1,117,174.83 dollars to provide health coverage to its 290 employees, dependents, and retirees, and rising health costs affect Carrboro's ability to provide these and other services; and

WHEREAS, many Carrboro citizens lack health insurance and are less likely than their insured counterparts to receive recommended preventive and screening services, medicines and treatments that meet the professional standard, and are more likely to die prematurely; and

WHEREAS, children in Carrboro who may lack health insurance coverage will have fewer well-child visits, the least access to specialists, fewer immunizations and more visits to the emergency room than children with health coverage; and

WHEREAS, millions more of Americans are underinsured and at risk of financial ruin if they experience a major illness; and

WHEREAS, health care costs, and employment-based health insurance premiums in particular, have increased at rates much higher than inflation or wage growth for the last decade; and

WHEREAS, our current health care system focuses on treating disease rather than preventing it or promoting wellness; and

WHEREAS, there are large disparities in health status and health outcomes based on race, ethnicity, and physical ability, and many health care providers do not offer adequate service to patients with limited English proficiency or limited physical or mental ability; and

WHEREAS, public hospitals, clinics, community health centers, and other safety net providers give care to millions of underserved individuals regardless of income, health coverage or immigration status; and

WHEREAS, in Orange County, we have developed innovative programs to expand access to quality health care, make health care more affordable, we acknowledge that any comprehensive reform must be led by the federal government; and

WHEREAS, leaders in both political parties serving in Congress and the White House have called for the enactment of comprehensive health care reform; and

WHEREAS, the President has pledged enactment of comprehensive reform this year, and substantial progress is being made in Congress to engage stakeholders and craft comprehensive reform; and

WHEREAS, the Mayor and Board of Aldermen, as representatives of their citizens, as employers, as health care providers and as partners to small and larger businesses who struggle with health care costs, should have their voices heard in the crafting of comprehensive reform proposals, and all people should be willing to make some sacrifices to gain a comprehensive health care system for all.

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

Section 1. The Carrboro Board of Aldermen supports and calls for the immediate enactment of the Administration's health care reform principles and agrees that comprehensive reform should reduce long-term growth of health care costs for businesses and government; protect families from debt or bankruptcy due to health care costs; maintain coverage when someone changes or loses a job; end barriers to coverage for people with pre-existing medical conditions; guarantee choice of doctors and health plans; improve patient safety and quality of care; invest in prevention and wellness; assure affordable, quality health coverage for all Americans.

Section 2. The Carrboro Board of Aldermen urges Congress to support the inclusion of a public option in health care reform legislation; support public hospitals and other providers in the health care safety net so that those who fall through the cracks of expanded health care coverage may still receive care; so that the cultural competencies achieved by providers serving diverse populations are preserved and enhanced in a reformed health care system; and so that surge capacity stands available and ready in case of public emergencies; and

Section 3. This resolution shall be forwarded to Congressman Price and Senators Hagan and Burr, and the Carrboro Board of Aldermen encourages the Chapel Hill Town Council, the Hillsborough Town Board, and the Orange County Board of Commissioners to join the Town of Carrboro in endorsing comprehensive health care reform legislation.

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

PRESENTATION OF PROPOSED MODIFICATIONS TO THE HEAD START BUILDING TO ACCOMMODATE THE COMMUNITY SCHOOL FOR PEOPLE UNDER SIX (ITEM D(1))

The purpose of item was to provide a presentation to the Board of Aldermen of two possible scenarios for modifications to the former Head Start class room building at 102 Hargraves Street to accommodate the relocation of the Community School for People Under Six.

James Harris, the town's Community and Economic Development Director, made the presentation.

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

A RESOLUTION APPROVING TWO SETS OF CONCEPT PLANS TO MODIFY THE HEAD START BUILDING TO ACCOMMODATE THE COMMUNITY SCHOOL FOR PEOPLE UNDER SIX DAYCARE

AT 109 HARGRAVES STREET
Resolution No. 07/2009-10

WHEREAS, the Community School for People Under Six is being displaced by the Chapel Hill-Carrboro City Schools in order to construct Elementary School Number Eleven (11) on the North Side Multi-Purpose site; and

WHEREAS, on August 30, 1996 the Town of Carrboro entered into a mutual agreement with the Chapel Hill-Carrboro City School System to allow the school system to place a modular classroom building on a Town-owned property to provide a location for a Head Start program that would serve early child care needs in the community, and the building is no longer needed for that purpose by the school system; and

WHEREAS, the Chapel Hill-Carrboro City Schools has given ownership of the building to the Town of Carrboro, and upon acceptance the Town leased the building to the Community School for People Under Six to house its day care program; and

WHEREAS, the Community School For People Under Six has determined that modifications are needed to accommodate the students at the new site, and has hired an architect to evaluate the building and make recommendations for the changes to meet regulatory requirements; and

WHEREAS, an architect has developed two sets of concept plans that meet the needs of the school and the community; and

WHEREAS, the Community School For People Under Six has not raised the money for the renovation at this time and is determining which version it can afford and is seeking approval of both sets of concept plans by the Board of Aldermen per the lease agreement which requires the Board approval prior to making any changes; and

WHEREAS, upon raising the money for the renovation the plan chosen by the Community School For People Under Six will go through the Town's plan approval process.

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

Section 1. The Board of Aldermen approves the two scenarios presented by the Community School For People Under Six and understands that one of the two plans will be submitted for formal review and approval through the plan review process. Approval of the plan at this point authorizes CSPU6 to complete and submit an SUP application to be reviewed by the Board of Adjustment. The Town Manger is authorized to provide written notice of the Board of Aldermen approval of the two concept plans to the Community School for People Under Six per the lease agreement.

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 25th day of August 2009:

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

Noes: None

Absent or Excused: None

VACANT SEAT ON THE BOARD OF ALDERMEN

Mayor Chilton stated that John Herrera has resigned from his seat on the Board of Aldermen because he has moved to Holly Springs and suggested that the Board not fill his seat on the Board until after the November 3rd Election.

The Board was in agreement to leave the seat vacant until after the November 2009 Election.

APPOINTMENT OF A MAYOR PRO TEM

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPOINT RANDEE HAVEN-O'DONNELL AS MAYOR PRO TEM. VOTE: AFFIRMATIVE ALL

SEPTEMBER 24TH ASSEMBLY OF GOVERNMENTS MEETING

Mayor Chilton stated that Carrboro is hosting the September 24th Assembly of Governments Meeting and suggested that future library services in Orange County be the topic of discussion at this meeting.

The Board was in agreement that library services should be the topic of discussion at the September 24th Assembly of Governments meeting.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS PROPERTY ACQUISTION AND LITIGATION INVOLVING CARRBORO V. KILLE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 8:59 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk