

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 6, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

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

Absent:

Alderman	Dan Coleman
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### **ENFORCEMENT OF LIVESTOCK RESTRICTIONS**

Brian Voyce presented a series of questions regarding enforcement of livestock restrictions.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO REFER THESE QUESTIONS TO THE TOWN STAFF WITH THE REQUEST FOR A WRITTEN RESPONSE.  
VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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### **ANNOUNCEMENT**

Ellen Perry announced that she had been appointed to the Alliance for Full Participation. She also stated that RANE needs funding, but that this group does not have 501(c)(3) status.

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### **APPROVAL OF MINUTES OF PREVIOUS MEETING (ITEM C(1))**

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY JOAL HALL BROUN TO APPROVE THE SEPTEMBER 22, 2009 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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### **REQUEST TO AMEND CHAPTER 10, ARTICLE III (LIVESTOCK AND WILD ANIMALS) OF THE TOWN CODE (ITEM C(2))**

Susan Powell, a resident of the Cedars neighborhood, wrote a letter to the Board of Aldermen requesting an amendment to Section 10-5 of the Town Code. Mike Brough drafted an ordinance that would allow the Cedars residents to keep chickens on common land within the neighborhood. The Board was requested to consider adoption of the attached ordinance.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "LIVESTOCK AND WILD ANIMALS," OF THE CARRBORO TOWN CODE, AS AMENDED TO INCLUDE THE FOLLOWING LANGUAGE TO (ii) "WITH THE WRITTEN PERMISSION OF THE OWNER OF SUCH COMMON SPACE LAND ACCOMPANIED BY A COPY OF ASSOCIATION

MINUTES REFLECTING THE APPROVAL DECISION.” VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

Alderman Gist requested that Ms. Powell be notified of the Board’s action as soon as possible.

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**REQUEST FROM TRANSITION CARRBORO/CHAPEL HILL FOR IN-KIND USE OF THE CENTURY CENTER AND EQUIPMENT ON MAY 13 AND 15, 2010 (ITEM C(3))**

The purpose of this agenda item was for the Board of Aldermen to consider a request from Transition Carrboro/Chapel Hill for in-kind use of the Century Center and equipment for up to \$524. The request is for May 13, 2010 from 6:00–10:00 p.m. and May 15<sup>th</sup> from 9:00 a.m. to 2:00 p.m. The community-based meetings will include speakers and discussion designed to create awareness and foster community spirit as we transition from the industrial era to a new era. The total anticipated cost of this request is \$931 which includes staffing.

Alderman Broun expressed concern about the number of requests of this type coming before the Board.

Alderman Gist asked that the Board revisit the waiver policy.

Mayor Chilton suggested that this matter be delayed until October 20th.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY LYDIA LAVELLE TO RESCHEDULE THIS ITEM FOR OCTOBER 20<sup>TH</sup>. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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**REQUEST TO MAKE AN APPOINTMENT TO THE APPEARANCE COMMISSION/NPDC (ITEM C(4))**

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing Emily Scarborough to the Appearance Commission/Neighborhood Preservation District Commission.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE  
APPEARANCE COMMISSION/NPDC  
Resolution No. 22/2009-10

WHEREAS, there is currently one vacant seats on the Appearance Commission/Neighborhood Preservation District Commission; and

WHEREAS, this position has been advertised and Emily Scarborough has submitted an application; and

WHEREAS, the Chair of the Appearance Commission/NPDC is requesting that Ms. Scarborough be appointed.

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

Section 1. The Board of Aldermen hereby appoints Emily Scarborough to the Appearance Commission/NPDC. Ms. Scarborough’s term shall expire in February 2013

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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO CANCEL BOARD MEETINGS (ITEM C(5))**

The Mayor and Board of Aldermen were asked to cancel the October 27 and November 3, 2009 meetings of the Board of Aldermen.

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

A RESOLUTION CANCELLING BOARD OF ALDERMEN MEETINGS  
Resolution No. 18/2009-10

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

Section 1. The Board of Aldermen hereby cancels the October 27, 2009 public hearing and November 3, 2009 regular meeting.

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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO MAKE AN APPOINTMENT TO THE GREENWAYS COMMISSION (ITEM C(6))**

The purpose of this item was for the Mayor and Board of Aldermen to consider re-appointing Eric Allman as the Recreation and Parks Commission's representative on the Greenways Commission.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE  
GREENWAYS COMMISSION  
Resolution No. 16/2009-10

WHEREAS, Eric Allman has been serving as the Recreation and Parks Commission's representative on the Greenways Commission since October 2, 2007; and

WHEREAS, Mr. Allman's term on the Greenways Commission expired on July 1, 2009; and

WHEREAS, Mr. Allman has volunteered to continue serving as the Recreation and Parks Commission's representative on the Greenways Commission.

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

Section 1. The Board of Aldermen hereby re-appoints Eric Allman as the Recreation and Parks Commission representative on the Greenways Commission. Mr. Allman's new term will expire on 7/1/2012.

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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO MAKE APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY BOARD (ITEM C(7))**

The purpose of this item was for the Mayor and Board of Aldermen to consider making two appointments to the Environmental Advisory Board. The Chair of the EAB requested that Nina Butler and Geoff Gisler be appointed.

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

**A RESOLUTION MAKING APPOINTMENTS TO THE  
ENVIRONMENTAL ADVISORY BOARD  
Resolution No. 20/2009-10**

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

WHEREAS, these positions have been advertised and Nina Butler and Geoff Gisler have submitted applications; and

WHEREAS, the Chair of the EAB is recommending that these two applicants be appointed to the two vacant seats.

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

Section 1. The Board of Aldermen hereby makes the following appointments to the Environmental Advisory Board:

<b>APPOINTEE</b>	<b>TERM EXPIRATION</b>
Nina Butler	February 2011
Geoff Gisler	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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO MAKE AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD  
(ITEM C(8))**

The Board was requested to consider appointing Robin Michler to the vacant seat on the Transportation Advisory Board.

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

**A RESOLUTION MAKING AN APPOINTMENT  
TO THE TRANSPORTATION ADVISORY BOARD  
Resolution No. 21/2009-10**

WHEREAS, there is one vacant seat on the Transportation Advisory Board (TAB); and

WHEREAS, Robin Michler 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 Robin Michler to the Transportation Advisory Board. His term shall expire in February 2013.

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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO ADOPT AN ORDINANCE AMENDING THE TOWN CODE TO REMOVE THE PUBLIC HEARING REQUIREMENTS BEFORE CLOSING STREETS FOR THE KIDNEY KARE 5K AND REQUEST TO ADOPT A RESOLUTION AUTHORIZING THE CLOSING OF STREETS FOR THE 2010 KIDNEY KARE 5K (ITEM C(9))**

The Board of Aldermen was requested to adopt an ordinance that amends Section 7-19(c) of the Carrboro Town Code to remove the requirements for a public hearing before closing the street for the Kidney Kare 5k. In addition, the Board was requested to adopt a resolution approving the temporary closing and usage of streets to accommodate the March 20, 2010 Kidney Kare 5K Run/Walk.

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY JOAL HALL BROUN TO ADOPT AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO REMOVE THE REQUIREMENTS FOR A PUBLIC HEARING BEFORE CLOSING THE STREET FOR THE ANNUAL KIDNEY KARE 5K EVENT." VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE  
OF THE FOLLOWING STREETS TO ACCOMMODATE THE KIDNEY KARE 5K RUN/WALK  
Resolution No. 17/2009-10

Section 1. The following streets shall be temporarily closed and used Saturday, March, 20 2010 from 8:25 am to 9:45 am to accommodate the Kidney Kare 5K Run/Walk:

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*

Section 2. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town.

Section 3. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 4. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 3 of this resolution.

Section 5. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 6. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of any resolution passed.

Section 7. Applicant will be responsible for all costs incurred by the Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 8. 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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**REQUEST TO APPROVE A BUDGET AMENDMENT – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (ITEM C(10))**

The Carrboro Police Department is receiving \$35,646 in grant revenues from the Edward Byrne Memorial Justice Assistance Grant as part of the American Recovery and Reinvestment Act for the purchase of two K-9s. The Board was requested to approve a budget amendment to account for these revenues and expenditures.

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2009-10 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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**REQUEST TO APPROVE A BUDGET AMENDMENT – SECTION 319 GRANT FOR WATERSHED RESTORATION (ITEM C(11))**

Town staff has received official word that the 319 federal grant application approved by the Board in February 2009 to pursue watershed restoration has been approved for funding. The federal grant allocation awarded totals \$200,000.

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2009-10 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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**REPORT FROM THE ORANGE COUNTY PARTNERSHIP FOR YOUNG CHILDREN: GROWING HEALTHY KIDS – KID'S GARDEN AND HEALTHY FOOD PROJECT – MARTIN LUTHER KING PARK COMMUNITY GARDEN PROGRESS (ITEM D(1))**

Patrick McIntyre, Community Development Director, and Margaret Samuels, Executive Director of Orange County Partnership for Young Children, provided an update of the community garden project that includes various sites including the town's Martin Luther King Jr. Park.

Matthew Arnsberger stated that he gardens at the MLK Park with his daughter. He stated that he very much appreciates the garden because it is a community building event.

Denise (last name unknown) stated that she enjoys getting dirty at the garden.

Marcia (last name unknown) stated that they are about to double the size of the community garden at MLK Park.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION ACCEPTING THE REPORT FROM THE ORANGE COUNTY PARTNERSHIP  
FOR YOUNG CHILDREN: GROWING HEALTHY KIDS – KIDS’ GARDEN  
AND HEALTHY FOOD PROJECT – MARTIN LUTHER KING JR. PARK COMMUNITY GARDEN  
Resolution No. 19/2009-10

WHEREAS, Orange County Partnership for Young Children began a healthy kids campaign initiative in Orange County to combat obesity in young children;

WHEREAS, one of the programs, Growing Healthy Kids includes a garden project in Martin Luther King, Jr. Park of Carrboro;

WHEREAS, the Board accepts the project’s update.

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

Section 1. Accept the updated report.

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 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**CONTINUATION OF THE PUBLIC HEARING ON A MINOR MODIFICATION TO THE  
CONDITIONAL USE PERMIT FOR THE WINMORE SUBDIVISION TO ALLOW FOR THE  
GODDARD SCHOOL AT 515 EAST WINMORE AVENUE (ITEM D(2))**

This was a continuation of the public hearing to consider a minor modification to the original Winmore Conditional Use Permit to allow a “daycare facility” called The Goddard School at 515 East Winmore Avenue.

Mayor Chilton stated that the town had received a request from the applicant asking for a continuation of this public hearing to November 17<sup>th</sup> to allow them an opportunity to meet with the Planning Board on October 15th.

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY RANDEE HAVEN-O’DONNELL TO CONTINUE THIS PUBLIC HEARING TO NOVEMBER 17, 2009. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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## **REPORT ON LONG RANGE TRANSIT PLAN FOR CHAPEL HILL TRANSIT (ITEM D(3))**

A Final Draft Long Range Transit Plan for Chapel Hill Transit is available for public review. This presentation has been scheduled so that the Board of Aldermen may receive information about and discuss the plan. A resolution referring the plan for public comment and advisory board review was recommended for the Board's adoption.

David Bonk, Manager of Long Range and Transportation Planning for the Town of Chapel Hill, made the presentation.

Steve Spade, Transportation Director for the Town of Chapel Hill, explained what bus rapid transit is and explained the next steps in this process.

Mayor Chilton suggested that Gateway 8 (Carrboro Plaza Shopping Center) have a park and ride as far out as White Cross.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Rande Haven-O'Donnell.

**A RESOLUTION SETTING A PUBLIC HEARING FOR PUBLIC REVIEW OF THE  
CHAPEL HILL AND CARRBORO 2035 LONG RANGE TRANSIT PLAN AND  
REFERRING THE PLAN TO ADVISORY BOARDS  
Resolution No. 25/2009-10**

WHEREAS, the Towns of Carrboro and Chapel Hill and the University of North Carolina have worked together to provide public transit service to the local community for over thirty years; and

WHEREAS, an objective of the *Carrboro Vision 2020* plan is for the Town of Carrboro to "expand its participation in organization and planning for the community bus system"; and

WHEREAS, the Transit Partners Committee, which includes representatives from Carrboro, Chapel Hill, and UNC, initiated a process in the fall of 2005 to develop a long range transit plan; and

WHEREAS, the Final Draft of the Chapel Hill and Carrboro 2035 Long Range Transit Plan was completed in July 2009 and subsequently made available for public review; and

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 sets a public hearing date of Tuesday, November 24th, 2009 for public review of the Final Draft of the Chapel Hill and Carrboro 2035 Long Range Transit Plan.

BE IT FURTHER RESOLVED that the plan is referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- Transportation Advisory Board
- Economic Sustainability Commission
- Northern Transition Area Advisory Committee
- Planning Board

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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**APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR TRANSITION AREA DESIGN WORKSHOPS (ITEM D(4))**

Staff has been assigned the task of refining implementation of the Northern Small Area Plan in follow-up to Board of Aldermen's consideration of recommendations of the Northern Study Area Plan Implementation Review Committee. Staff believes that proactive design workshops will allow testing of use/density/location information and the associated infrastructure impacts, prior to drafting a particular regulatory framework and has identified a design team that can assist with this process. A resolution authorizing the Town Manager to sign an agreement with Durham Area Designers to assist with this process is recommended for the Board's approval.

Trish McGuire, the town's Planning Administrator, made the presentation.

It was the consensus of the Board to extend the timeline for the project.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION AUTHORIZING TRANSITION AREA DESIGN WORKSHOPS  
Resolution No. 24/2009-10**

WHEREAS, the Town desires the assistance of a private consulting firm in the performance of certain specialized professional services; and

WHEREAS, since the early 1980s the Town has been involved in planning for long-term land use, including development and conservation, of the area referred to as the 'Transition Areas,' and

WHEREAS, following citizen advisory board and community review of planning concepts for this area, the Town desires to obtain focused participation on design elements and concepts that can be applied in selected portions of the Transition Areas; and

WHEREAS, the Designer is uniquely qualified to assist with these tasks due extensive familiarity with the area; such familiarity will be of great assistance to facilitating completion of the project in a timely manner;

NOW THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize the Town Manager to sign a Professional Services Agreement with the Durham Area Designers to assist with design workshops for Carrboro's Transition Areas.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of October 2009:

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

Noes: None

Absent or Excused: Dan Coleman

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO  
ADJOURN TO CLOSED SESSION TO DISCUSS LITIGATION INVOLVING TOWN OF CARRBORO V.  
KILLE. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO  
ADJOURN THE MEETING AT 9:10 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (COLEMAN)

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Mayor

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Town Clerk