

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 17, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton (arrived at 7:53 p.m.)
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Randee Haven-O'Donnell
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Lydia Lavelle
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REQUEST FOR INCREASED BICYCLE SAFETY

Thomas Starr, a resident of 222 Old Fayetteville Road, made the following requests:

- That persons riding bicycles be made aware by law enforcement that riders are to follow the same laws that motor vehicles adhere to;
- That bicycle safety classes be made available to persons riding bicycles at the time of purchase or at other designated locations; and
- That enforcement of laws be consistent and longstanding.

Charlie Hileman, Chair of the Transportation Advisory Board, gave a status report on the work of the TAB in regard to bicycle safety.

REQUEST FOR PARTICIPATION IN THE CAMPUS-TO-CAMPUS BICYCLE CONNECTION WORKSHOP

Douglas MacLean, on behalf of the Campus-to-Campus Bicycle Connection working group of the Neighbors for Responsible Growth, invited the town's advisory boards to participate in a community workshop to be held on December 1st from 5:30 – 7:00 p.m. in Suite 133-G of University Square. The purpose of the workshop will be to discuss possible bicycle paths connection the UNC main campus to Carolina North.

Alderman Coleman asked that this information be forwarded to the Greenways Commission, Transportation Advisory Board, Environmental Advisory Board, and Planning Board.

CHARGES ISSUED

The Town Clerk issued the following charges to recently appointed advisory board members:

- Emily Scarborough – Appearance Commission/Neighborhood Preservation District Commission
- Geoff Gisler – Environmental Advisory Board
- Robin Michler – Transportation Advisory Board

CONDOLENCES TO ALDERMAN LAVELLE

Mayor Pro Tem Haven-O'Donnell offered condolences to Alderman Lydia Lavelle and her partner Alicia Stemper on the death of Alicia's mother.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO APPROVE THE NOVEMBER 10, 2009 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, LAVELLE)

A REQUEST TO APPROVE A BUDGET AMENDMENT

Following the guidelines in the Town's fiscal policy, unspent capital project funds shall revert to undesignated capital reserves within the Capital Reserve Fund for future capital funding. A budget amendment is needed for board approval to transfer \$26,555 from the Capital Projects Fund to the Capital Reserve Fund for future capital projects.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2009-10 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, LAVELLE)

AWARD OF A CONSTRUCTION CONTRACT FOR THE SIDEWALK BOND PROJECT – ASHE AND BIM STREETS

The purpose of this agenda item was to award a construction contract for the Sidewalk Project Phase 1B – (U-4726 DA) Ashe Street and (U-4726 DB) Bim Street.

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

A RESOLUTION AWARDING A CONTRACT TO CENTURION CONSTRUCTION COMPANY, INC., AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE TOWN OF CARRBORO AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH CENTURION CONSTRUCTION COMPANY, INC., FOR THE PROJECT KNOWN AS TOWN OF CARRBORO SIDEWALK PROJECT – PHASE 1B ASHE (U-4726 DA) AND BIM (U-4726 DB) STREETS
Resolution No. 46/2009-10

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

Section 1. The contract for construction of the Ashe Street (U-4726 DA) and Ashe Street (U-4726 DB) sidewalks is awarded to Centurion Construction Company, Inc. in the amount of \$247,109.15 plus any alternate bid items.

Section 2. The Town Manager is hereby authorized to execute on behalf of the Town of Carrboro a contract with Centurion Construction Company, Inc., in the amount of \$247,109.15 plus any alternate bid items and any change orders with in the budgeted amount for the Town of Carrboro Sidewalk Project Phase 1B – (U-4726 DA) Ashe Street (U-4726 DB) Bim Street and Concurrence in Award, provided the award of the contract is approved by the North Carolina Department of Transportation.

Section 2. The resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Lydia Lavelle, Mark Chilton

REQUEST TO AMEND CHAPTER 14 OF THE TOWN CODE TO REPEAL SECTION 14-19(B)

At the request of Alderman Lavelle, the Town Attorney has drafted an ordinance that would repeal Section 14-19(b) of the Town Code.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE REPEALING SUBSECTION 14-19(B) OF THE CARRBORO TOWN CODE". VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, LAVELLE)

REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT ON DARK SKY FRIENDLY LIGHTING PROVISIONS AND UPGRADES TO NONCONFORMING LIGHT PROVISION IN EXISTING DEVELOPMENTS

Town staff has developed draft ordinance provisions that modify lighting requirements in response to direction from the Board of Aldermen and the request of a property owner. A resolution setting a public hearing and referring the ordinance provisions for advisory board and Orange County review was recommended for the Board's adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO OUTDOOR LIGHTING
Resolution No. 49/2009-10

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 calls a public hearing on January 26, 2010 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE WITH RESPECT TO OUTDOOR LIGHTING STANDARDS."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

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

- Environmental Advisory Board
- Economic Sustainability Commission
- Recreation and Parks Commission
- Northern Transition Area Advisory Committee

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Lydia Lavelle, Mark Chilton

AUTHORIZATION TO RENEW LEASE AGREEMENT FOR COMMUNICATIONS ANTENNA CO-LOCATION ON TOWN HALL TOWER

T-Mobile South, LLC has expressed interest in renewing their antenna co-location lease agreement for the Town's telecommunications tower. The previous lease expired in March 2009 and staff has been working with the applicant to negotiate a lease renewal. The Board of Aldermen was requested to adopt a resolution authorizing the Town Manager to execute the lease agreement.

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

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE AGREEMENT WITH T-MOBILE SOUTH, LLC, FOR AN ANTENNA CO-LOCATION ON THE TOWER AT TOWN HALL
Resolution No. 37/2009-10**

WHEREAS, the Town owns the telecommunications tower located at 301 W. Main St.; and

WHEREAS, T-Mobile South, LLC, had a co-location lease agreement for an antenna for their communication service on the Town's tower that expired in March 2009; and

WHEREAS, T-Mobile South, LLC, has expressed interest in renewing a co-location lease agreement for an antenna for their communication service on the Town's tower; and

WHEREAS, the Board of Aldermen must approve all leases of tower space longer than one year; and

WHEREAS, according to N.C. G.S. 160A-272, this resolution must be adopted at a regular meeting, after 10 days public notice of the intent to enter into a lease agreement. The notice must be published, and must include a description of the property to be leased, the amount of the annual rent payments, and announce the Board's intention to authorize the lease at the next regular meeting.

WHEREAS, a notice was published in the Chapel Hill Herald on October 25, 2009.

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen authorize the Town Manager to execute a contract with T-Mobile South, LLC for a term of five years with an option for an additional five year renewal, at a rate of \$33,221.61 per year with a 3% annual increase during the term of the lease.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Lydia Lavelle

AN ORDINANCE AMENDING CHAPTER 11 (SOLID WASTES, SCRAP MATERIALS, ABANDONED VEHICLES, WEEDS) OF THE TOWN CODE TO PROHIBIT THE PLACEMENT OF CERTAIN ITEMS WITHIN DUMPSTERS OR MOBILE HOUSEHOLD TRASH CONTAINERS AND AMENDMENTS TO YARD WASTE/LEAF COLLECTION PROVISIONS

The purpose of this item was to request amendments to Chapter 11, Section 11-19 updating information with regards to yard waste and leaf collection provisions, and updating the list of waste items that may not be placed in roll-out containers for pickup and disposal in response to amendments to GS 130A-309.10(f), which contains the list of items that by statute may not be placed in North Carolina landfills.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 11 ("SOLID WASTES, SCRAP MATERIALS, ABANDONED VEHICLES, WEEDS") OF THE CARRBORO TOWN CODE TO PROHIBIT THE PLACEMENT OF CERTAIN ITEMS WITHIN DUMPSTERS OR MOBILE HOUSEHOLD TRASH CONTAINERS AND AMENDMENTS TO YARD WASTE/LEAF COLLECTION PROVISIONS." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, LAVELLE)

REQUEST TO MAKE APPOINTMENTS TO THE ARTS COMMITTEE

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing Susan Powell and Nicolette DeGroot to the Arts Committee.

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

A RESOLUTION MAKING APPOINTMENTS TO THE
ARTS COMMITTEE
Resolution No. 48/2009-10

WHEREAS, there are currently three vacant seats on the Arts Committee; and

WHEREAS, these positions have been advertised and Susan Powell and Nicolette DeGroot have submitted applications; and

WHEREAS, the Chair of the Appearance Commission/NPDC is requesting that both applicants be appointed.

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

Section 1. The Board of Aldermen hereby appoints Susan Powell and Nicolette DeGroot to the Arts Committee. Their terms shall expire in February 2011.

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 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Lydia Lavelle

STAFF RESPONSE TO QUESTIONS REGARDING ENFORCEMENT OF LIVESTOCK RESTRICTIONS

The Board of Aldermen directed staff to answer a citizen's questions related to rabies in livestock and the enforcement of any restrictions related to livestock raising and livestock slaughtering. The Police Chief contacted State and Federal authorities who provided direction to resources and clarification of laws. A response from the Police Chief was provided to the Board.

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

**A RESOLUTION ACCEPTING THE STAFF RESPONSE TO QUESTIONS
REGARDING ENFORCEMENT OF LIVESTOCK RESTRICTIONS
Resolution No. 36/2009-10**

WHEREAS, the Carrboro Board of Aldermen, on August 25 and October 6, 2009, received requests for answers to a citizen's questions regarding enforcement of livestock restrictions; and

WHEREAS, the Carrboro Board of Aldermen directed staff to research the issues and answer the questions; and

WHEREAS, the Police Chief contacted State and Federal authorities for direction and clarification of laws; and

WHEREAS, the Police Chief prepared responses to the citizen's questions;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen receive this response to questions.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Lydia Lavelle

UPDATE ON JORDAN LAKE RULES

The purpose of this agenda item was to provide an update on the status of rulemaking subsequent to the last update in April 2009.

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

A RESOLUTION REGARDING THE TOWN'S RESPONSE TO
JORDAN LAKE RULES
Resolution No. 40/2009-10

WHEREAS, the North Carolina General Assembly, Environmental Management Commission and Division of Water Quality have adopted new regulations limiting nitrogen and phosphorus inputs to Jordan Lake; and

WHEREAS, Rules adopted for Jordan Lake in 2008 by the Environmental Management Commission and by the General Assembly in 2009 could require that the Town of Carrboro and a few other local governments reduce nitrogen from "existing development" by 35 percent and phosphorous by 5 percent within the next 15 years; and

WHEREAS, the Town of Carrboro and its citizens have been leaders over the years in protecting the environment in water quality, land use regulation, stream buffer protection, open space preservation, and stormwater management, and support efforts to protect and restore Jordan Lake; and

WHEREAS, the financial impact of the existing development provisions in the rules could be significant, and

THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

- 1) The Board accepts the report prepared by staff, and directs staff to submit the Stage 1 Adaptive Management Program for Existing Development to DWQ
- 2) The Board directs the staff to draft recommendations for planning and financing of future measures to reduce nutrients from existing development.
- 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 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Lydia Lavelle

REQUEST FOR BOARD REVIEW OF BANKING SERVICES RFP

The banking services contract with Bank of America expires in February 2010. Staff has prepared a Request-For-Proposal (RFP) to solicit banking services. Staff has prepared the RFP with an understanding of the Board’s interest in placing an emphasis on doing business locally. Staff requested approval of the RFP prior to sending it out to all banks that serve Orange County residents.

Alderman Gist asked that the town staff forward a list of the banks that respond to the RFP.

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

A RESOLUTION REVIEWING THE BANKING SERVICES RFP
Resolution No. 51/2009-10

WHEREAS, the Carrboro Board of Aldermen have received a draft of the Banking Services RFP; and

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

Section 1. Accept the Banking Services RFP and authorize staff to move ahead with the bidding process.

Section 2. The Aldermen will be presented with a recommendation for banking services following the bid process in January 2010.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O’Donnell

Noes: None

Absent or Excused: Mark Chilton, Lydia Lavelle

**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(1))**

Staff recommended that the Board of Aldermen review, deliberate, and consider granting the Minor Modification application to the Winmore Conditional Use Permit for a “Daycare Facility” application at 515 East Winmore Avenue.

[Mayor Chilton arrived at the meeting.]

James Thomas, one of the town’s Zoning Specialists, made the presentation

Eric Chupp stated that they had brought the roof down, changed the entrance, reduced the exterior trim, re-arranged the configuration and size of the windows, and filled out the green building tally sheet.

John Hinkle, a resident of 603 South Camelia Street, was sworn in. He spoke in support of the Goddard School, but spoke against a left turn out of Winmore.

Omar Zinn, developer of Claremont, was sworn in. He spoke in favor of the Goddard School and in opposition to no left turn out of Winmore.

Brian Kreager was sworn in. He spoke in favor of the school, but expressed opposition to the no left turn out of Winmore.

Mayor Chilton noted that emails had been received from: Lynne Brody, Andrew Bagwell, Jim and Cheri Melville, Nirmal Veeramachaneni and Deepika Polineni, and Mary Taub.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (LAVELLE)

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

**A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE
WINMORE CONDITIONAL USE PERMIT FOR A “DAYCARE FACILITY”
AT 515 EAST WINMORE AVENUE
Resolution No. 53/2009-10**

WHEREAS, the Board of Aldermen approved a Conditional Use Permit for Winmore Subdivision on June 10th, 2003; and

WHEREAS, the staff has determined that this would constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Winmore Conditional Use Permit for a “daycare facility” at 515 East Winmore Avenue be approved with the two following conditions:

1. Per Section 15-291 of the LUO, the Board of Aldermen hereby finds that 40 parking spaces is sufficient to serve the proposed development, based on information submitted by the applicant regarding the necessary parking spaces based on other Goddard School locations.
2. That the applicant shall provide to the Zoning Division, prior to the release of the Certificate of Occupancy or before the release of a bond if some features are not yet in place at the time of wishing to obtain the Certificate of Occupancy, mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be DXF format and shall include a base map of the whole project and all separate plan sheets. As build DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
3. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity, schedule and creation of reserve fund for future maintenance needs. The plan shall include scheduled maintenance activities for each unit in the development, (including, bio-retention areas, swales, and dry detention basin), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to town engineer and environmental planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners’ association documentation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

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

Noes: None

Absent or Excused: Lydia Lavelle

APPLICATION TO PLACE A MONUMENT ON TOWN PROPERTY

The purpose of this agenda item was for the Board of Aldermen to consider an application to place a monument on town property.

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

A RESOLUTION APPROVING AN APPLICATION FOR A MONUMENT Resolution No. 42/2009-10

WHEREAS, the Carrboro Board of Aldermen received a monument application from Veronica Garcia Leon in honor of her deceased mother, Amparo Leon de Garcia

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

Section 1. The Board of Alderman discussed whether an application for a monument is consistent with the guidelines of Policy for Monuments Located on Town Property.

Section 2. The Board of Alderman approves the installation of this monument.

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 17th day of November 2009:

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

Noes: None

Absent or Excused: Lydia Lavelle

REQUEST FROM THE FRIENDS OF THE CARRBORO BRANCH LIBRARY FOR WAIVER OF FEES FOR USE OF THE CENTURY CENTER ON DECEMBER 18-20, 2009 FOR THE ANNUAL BOOK SALE

The purpose of this agenda item was for the Board of Aldermen to consider a request from the Friends of the Carrboro Branch Library for waiver of fees for use of the Century Center and equipment on December 18-20, 2009 for their annual book sale for up to \$1,011. The request is made for December 18 & 19, 2009 for book

storage, December 19, 2009 from 7:00am – 5:00 p.m. and December 20th from 12:00 noon – 5:00p.m. for the book sale. The total anticipated cost of this request is \$1,443, which includes staffing costs.

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

A RESOLUTION REQUESTING A WAIVER OF FEES FOR THE FRIENDS OF THE LIBRARY'S
ANNUAL BOOK SALE AT MCDOUGLE SCHOOL
Resolution No. 63/2009-10

WHEREAS, the Mayor and the Board of Aldermen are concerned about the school board's decision to charge the Friends of the Library a fee for use of the space at McDougale school for their annual book sale; and

WHEREAS, the Board is aware that the schools are under financial pressure; and

WHEREAS, having to pay fees to use public property is not in the best spirit of cooperation; and

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

Section 1. The Board hereby requests that the Friends of the Library be able to have their sale at McDougale school at no charge.

Section 2. This resolution shall be forwarded to the Chapel Hill-Carrboro City School System.

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 17th day of November 2009:

Ayes: Dan Coleman, Sammy Slade, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O-Donnell

Noes: None

Absent or Excused: Lydia Lavelle

Nerys Levy, representing the Friends of the Library, stated that they do not have any place to have the book sale to raise funds for the library. She stated that there is no building for the Carrboro branch library.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO ASK THE TOWN MANAGER TO CONTACT THE SCHOOL SUPERINTENDENT TO ASSIST WITH THE FRIENDS OF THE LIBRARY WITH USING MCDOUGLE SCHOOL FOR THEIR BOOK SALE.
VOTE: AFFIRMATIVE SIX, ABSENT ONE (LAVELLE)

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

A RESOLUTION APPROVING A REQUEST FROM THE FRIENDS OF THE CARRBORO
BRANCH LIBRARY TO WAIVE FEES TO USE CENTURY CENTER FOR
THE ANNUAL BOOK SALE
Resolution No. 38/2009-10

WHEREAS, Nerys Levy of the Friends of the Carrboro Branch Library requests the Board of Aldermen to consider waiving fees for the use of the Century Center up to \$1,011 to conduct the Annual Book Sale on December 19 & 20, 2009. The total cost of the request is \$1,431, which includes staffing; and

WHEREAS, the Board has reviewed the request.

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

Section 1. The Board of Aldermen approves the request to waive fees for the use of the Century Center and pay staff so that the Annual Book Sale benefitting the Carrboro Branch Library can take place on December 19 & 20, 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 17th day of November 2009:

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

Noes: None

Absent or Excused: Lydia Lavelle

PRESENTATION OF THE AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2009

The presentation tonight allowed the Board to receive the FY2008-2009 audit report and allowed Dixon Hughes, PLLC, who performed the town's audit to present the report.

John Frank, with Dixon Hughes, presented the audit report.

Alderman Broun asked that McDougle and Morris Grove be listed Page 100 with the other schools.

Alderman Coleman pointed out that Crook's Corner is not a Carrboro employer.

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

A RESOLUTION ACCEPTING THE 2008-09 AUDIT REPORT AND SAS 114 REPORT Resolution No. 39/2009-10

WHEREAS, the Carrboro Board of Aldermen have received the annual 2008-09 Audit Report and SAS 114 Letter; 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

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

Section 1: Accept the 2008-2009 Audit Report; accept the SAS 114 Letter.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

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

Noes: None

Absent or Excused: Lydia Lavelle

REVIEW OF THE CAROLINA CARWASH MINOR CONDITIONAL USE PERMIT MODIFICATION

Jack Haggerty, on behalf of Tom Tucker, requested a Minor Modification to the CUP for the Carolina Carwash property located at 426 E. Main Street further identified as Orange County Tax Number 7.98.M.10A.

Jeff Kleaveland, one of the town's Zoning Specialists, made the presentation.

Jack Haggerty explained the proposal.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE
CAROLINA CARWASH CONDITIONAL USE PERMIT PROJECT
AT 426 E. MAIN STREET ALLOWING FOR EXPANSION OF USES
WITHIN A PORTION OF THE EXISTING BUILDING

Resolution No. 52/2009-10

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Carolina Carwash Conditional Use Permit on June 8, 1999; and

WHEREAS, the Town of Carrboro wishes to support business and commercial uses in the downtown; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Carolina Carwash Conditional Use Permit authorizing the additions of uses 2.110, 2.120, 2.130, 3.110, 3.120, 3.150, 4.100, 5.320, 5.400, 6.110, 8.100, 8.200, 8.500, 8.600, 9.500, 27.000 to 4,784 square feet of the existing building and, as permitted, outdoor patio and deck areas, subject to the following stipulations:

That the following additional CUP conditions are hereby added:

1. That the applicant be allowed to deviate from the presumptive parking standard by providing two parking spaces on-site dedicated to the proposed uses with joint use of the remaining on-site spaces, and, satellite parking, fulfilling the parking requirement per the justification provided by the applicant's parking justification letter.
2. That, should the applicant have insufficient satellite parking to address the needs of the proposed use(s), the two parking spaces, lost as a result of the patio installation, be returned to the site.
3. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to the public road rights of way are waived based upon the applicant's screening justification letter.
4. That adequate cardboard recycling is provided on-site as required by the proposed use.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

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

Noes: None

Absent or Excused: Lydia Lavelle

Alderman Coleman asked Tom Tucker to relay to the Chamber of Commerce that the Carrboro Board of Aldermen is fully supportive of the business community.

RESPONSE TO BOARD'S REQUEST FOR INFORMATION ON 300 E. MAIN STREET PARKING DECK PROPOSAL AND ANDREWS-RIGGSBEE PARKING LOT PROPOSAL

The purpose of this item is to present to the Board of Aldermen a response to questions raised by the Board about the parking deck proposition made by the Main Street partners and another potential location for town-owned or leased parking in downtown on the Andrews-Riggsbee site.

James Harris made the presentation.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE AGREEMENT
FOR THE ANDREWS-RIGGSBEE PARKING LOT SITE AND THE USE OF TOWN FUNDS
FOR SITE IMPROVEMENTS
Resolution No. 50/2009-10

WHEREAS, the Town of Carrboro is experiencing an increase in parking needs in the Downtown Business District; and

WHEREAS, Town Staff was asked to evaluate the parking deck proposition made by the Main Street Partners and another potential location for town-owned or leased parking in downtown on the Andrews-Riggsbee site; and

WHEREAS, Town Staff has presented three options for board consideration including a recommendation; and

WHEREAS, Staff will recommend a future Town Code Amendment to disallow parking on Carr Street from Maple Avenue to South Greensboro Street and limit parking in the lot to two hours; and

WHEREAS, the recommended option would create 90 parking spots at a minimal cost to the town, and includes financial contributions by downtown businesses and the Carrboro Business Association and offers the site owner flexibility to proceed with an already approved project when economic conditions improve; and

WHEREAS, the Board of Aldermen must approve all lease agreements; and

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen authorize the Town Manager to execute a contract with the owners of the Andrews-Riggsbee property for an annual amount of \$7,500 and use funds from the Public Works budget to up-fit the site for use as a public parking lot.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of November 2009:

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

Noes: None

Absent or Excused: Lydia Lavelle

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2009-10 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (LAVELLE)

LOCAL LIVING ECONOMY TASK FORCE

Alderman Slade asked the Board to consider allowing him to remain a member of the Local Living Economy Task Force as a third Board of Aldermen.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONVERT AN AT-LARGE SEAT ON THE LOCAL ECONOMY TASK FORCE TO A THIRD MEMBER OF THE BOARD OF ALDERMEN. VOTE: AFFIRMATIVE SIX, ABSENT ONE (LAVELLE)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:03 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (LAVELLE)

Mayor

Town Clerk