

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 16, 2010 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
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

PROCLAMATION ISSUED

Mayor Chilton read a proclamation proclaiming March as Red Cross Month in the Town of Carrboro.

PETITION FROM THE CITIZENS FOR A COAL-FREE COMMUNITY

Giles Blunden presented a petition from the Citizens for a Coal-Free Community asking that the Board of Aldermen and the Carrboro Environmental Advisory Board endorse and join the request from Carrboro citizens asking that the UNC Chancellor and the UNC Energy Task Force make a commitment to immediately reduce coal use and completely eliminate the use of coal by 2015 at the latest, and to replace it with energy conservation, energy efficiency, and clean renewable energy sources.

MOTION WAS MADE BY SAMMY SLADE AND SECONDED BY JACQUELYN GIST TO ENDORSE THE PETITION AND FORWARD IT TO THE UNC CHANCELLOR AND UNC ENERGY TASK FORCE.
VOTE: AFFIRMATIVE ALL

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

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MARCH 9, 2010 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST FOR APPROVAL OF A MUNICIPAL AGREEMENT WITH NCDOT FOR THE CONSTRUCTION OF SIDEWALK ON ELM STREET WITH FUNDS THROUGH THE SAFE ROUTES TO SCHOOL PROGRAM (ITEM C(2))

The purpose of this item was to request the Board of Aldermen to approve a Municipal Agreement for the installation of sidewalk on Elm Street utilizing an infrastructure grant through the Safe Routes to School program.

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

A RESOLUTION AUTHORIZING EXECUTION OF A MUNICIPAL AGREEMENT WITH

THE North Carolina DEPARTMENT OF TRANSPORTATION
TO BUILD A SIDEWALK ON ELM STREET
Resolution No. 112/2009-10

WHEREAS, the Town of Carrboro has plans for the construction of 870 linear feet of 5-foot wide sidewalk along the eastern side of Elm Street from existing sidewalk near Weaver Street to Shelton Street; and

WHEREAS, the Town of Carrboro has requested federal funding for constructing sidewalk to serve Carrboro elementary School, hereinafter referred to as the Project in Orange County, North Carolina; and

WHEREAS, subject to the availability of federal funds, the Town of Carrboro has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$300,000 for the Project;

WHEREAS, the Town of Carrboro agrees to participate in certain costs and to assume certain responsibilities in the manner and to the extent set out in the agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that said project is hereby approved and the Town Manager and Town Clerk of this municipality are hereby authorized to execute the Agreement with the North Carolina Department of Transportation.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT AND MAP AMENDMENT RELATED TO ESTABLISHMENT OF THE B-1(G) CZ CONDITIONAL ZONING AND PLACEMENT ON THE PROPERTY LOCATED AT 500 NORTH GREENSBORO STREET (ITEM C(3))

Section 15-321 provides for the initiation of text and map amendments to the Town's Land Use Ordinance. The Town has received a request to amend the ordinance and a petition to amend the zoning map in relation to the property at 500 N. Greensboro Street. A resolution that provided an opportunity for the Board of Aldermen to set a public hearing date and direct the staff to prepare appropriate ordinances was provided.

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

A RESOLUTION SPECIFYING FOLLOW-UP TO THE REQUESTS TO AMEND THE LAND USE ORDINANCE TO ESTABLISH A B-1(G) CONDITIONAL ZONING DISTRICT AND TO REZONE THE PROPERTY AT 500 N. GREENSBORO STREET

Resolution No. 111/2009-10

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a request to rezone the parcel known as 7.93.A.4 and located at 500 N. Greensboro Street from CT to B-1(g); and

WHEREAS, adopted policies call for new commercial development to minimize negative environmental impact, to emphasize appropriate buffers, and not compromise the integrity of established neighborhoods.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen:

Accept the petition, direct staff to prepare ordinances that establish a B-1(g) CZ zoning district and that rezone 500 N. Greensboro Street (Orange County TMBL 7.93.A.4) from CT to B-1(g) CZ, set a public hearing for April 27, 2010 and refer the draft ordinance to the Planning Board and Orange county and the rezoning petition and draft ordinance to the Planning Board for review.

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:

- Transportation Advisory Board
- Economic Sustainability Commission

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT REVISING THE MEMBERSHIP OF THE GREENWAYS COMMISSION (ITEM C(4))

This agenda item serves to update the Town Code provisions related to the membership structure of the Greenways Commission.

Mayor Chilton expressed his interest in serving as a member of the Greenways Commission and asked that the proposed amendment be revised to state that there will be 1 - 2 Board of Aldermen representatives on the Commission.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO MODIFY THE PROVISIONS RELATED TO THE GREENWAYS COMMISSION", AS AMENDED TO STATE THAT THERE BE WILL ONE – TWO BOARD OF ALDERMEN LIAISON MEMBERS. VOTE: AFFIRMATIVE ALL

REQUEST TO MAKE APPOINTMENTS TO THE GREENWAYS COMMISSION (ITEM C(5))

The Board of Aldermen was requested to consider making appointments to the Greenways Commission.

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

A RESOLUTION MAKING APPOINTMENTS TO THE
GREENWAYS COMMISSION
Resolution No. 114/2009-10

WHEREAS, the Environmental Advisory Board and the Planning Board seats on the Greenways Commission are currently vacant; and

WHEREAS, the EAB has voted to recommend that Matthew Arnsberger be appointed as their representative and the Planning Board has voted to recommend that Amber Wagner be appointed as their representative.

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

Section 1. The Board of Aldermen hereby appoints Matthew Arnsberger as the EAB's representative on the Greenways Commission. Mr. Arnsberger's term will expire on 7/1/2013.

Section 2. The Board of Aldermen hereby appoints Amber Wagner as the Planning Board's representative on the Greenways Commission. Ms. Wagner's term will expire on 7/1/2011.

Section 3. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

RESOLUTION SUPPORTING EARTH HOUR (ITEM C(6))

The purpose of this agenda item was to request that the Board of Aldermen adopt a resolution supporting Earth Hour on March 27th from 8:30 – 9:30 p.m.

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

A RESOLUTION SUPPORTING EARTH HOUR
Resolution No. 113/2009-10

WHEREAS, March 27, 2010, 8:30 PM has been designated as "Earth Hour" by the World Wildlife Fund as a reminder that, by working together, people can make a positive impact in the fight against climate change; and

WHEREAS, cities and states across the country and around the world are joining with Carrboro to raise awareness and demonstrate commitment to addressing climate change by supporting "Earth Hour;" and

WHEREAS, Earth Hour involves something quite simple—turning off lights for one hour; and
Carrboro Board of Aldermen

WHEREAS, Earth Hour is the largest event of its kind in the world. In 2009, nearly one billion people from 4,100 cities in 87 countries turned out their lights, as well as international landmarks including the Golden Gate Bridge, Empire State Building, Eiffel Tower and Great Pyramids, and the city skylines of Las Vegas, Hong Kong and Tel Aviv; and

WHEREAS, Carrboro has joined Cities for Climate Protection, and is committed to reducing greenhouse emissions; and

WHEREAS, the Board of Aldermen adopted a climate protection resolution in December, 2009.

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

Section 1. The Board of Aldermen supports Earth Hour and requests Mayor Chilton to proclaim March 27, 2010 from 8:30 – 9:30 p.m. as “Earth Hour” in Carrboro and call upon all residents and businesses of Carrboro to join in supporting the aims and goals of this effort.

Section 2. The Board directs staff to send out a public service announcement to publicize Earth Hour.

Section 3. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

MINOR MODIFICATION REQUEST FOR THE ROBERSON PLACE CONDITIONAL USE PERMIT (ITEM C(7))

Sophie Piesse and Robert Joyner have submitted an application for a Minor Modification to the Roberson Place AIS CUP to encroach into a CUP-mandated 30-foot setback from the northern property line of 100 Purple Leaf Place. The CUP Minor Modification, if approved, will allow the property owners to move forward with an addition to their single family home. Since the property owner immediately adjacent to the property supports the proposal, staff recommended that the Board of Aldermen approve the Minor Modification application.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE ROBERSON PLACE
CONDITIONAL USE PERMIT PROJECT FOR A CHANGE TO THE SETBACK REQUIREMENTS ON A
PRIVATE LOT
Resolution No. 118/2009-10

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for Roberson Place AIS on January 19, 1996; and

WHEREAS, the Town of Carrboro is willing to revisit and consider changes to conditions placed on permits at the request of applicants; 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 Roberson Place AIS Conditional Use Permit is hereby approved.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

CHARGES ISSUED

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

Jennifer McMillan and Bob Saunders, recently appointees to the Economic Sustainability Commission
Tamara Oxley, a recent appointee to the Planning Board
Brendan Watson, recent appointee to the Recreation and Parks Commission
Anthony Pergolotti, a recent appointee to the Transportation Advisory Board
Nora Shepard, a recent appointee to the Environmental Advisory Board

REQUEST FOR BOARD APPROVAL OF A BANKING SERVICES CONTRACT (ITEM D(1))

At the board meeting of February 16, 2010, the Board requested to delay the presentation on the banking services contract recommendation until February 23rd. In addition, staff was requested to attach the banking RFP that the Board reviewed at the November 17, 2009 Board meeting. The February 23rd presentation was delayed until March 16, 2010. The purpose of this agenda item was to approve a bank as the official depository for the Town and to authorize the Town Manager to execute all related contracts regarding banking services desired by the Town. Town staff, as a result of the reviewing bid responses, recommends Harrington Bank.

Alderman Broun asked to be recused from voting on this matter.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO RECUSE ALDERMAN BROUN FROM VOTING ON THIS MATTER. VOTE: AFFIRMATIVE ALL

Mayor Chilton suggested that the town staff request a six-month extension of the current contract with Bank of America and that the Board schedule approval of a banking services contract in August 2010.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ASK THAT THE TOWN MANAGER REQUEST A SIX-MONTH EXTENSION OF THE CURRENT BANKING SERVICES CONTRACT WITH BANK OF AMERICA AND THAT A BOARD DISCUSSION OF A NEW BANKING SERVICES CONTRACT BE SCHEDULED FOR AUGUST 2010. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (BROUN)

MINOR MODIFICATION REQUEST FOR THE CLAREMONT AIS CUP (ITEM D(2))

Parker Louis, LLC, has submitted an application for a Minor Modification of the original Conditional Use Permit (CUP) for Claremont Subdivision, Phase I, II, and III for the recombination of duplex lot #'s 44/45, 46/47 and 48/49 to be recombined into three (3) lots for single-family homes. Town staff requested that the Board of Aldermen deliberate the application, and consider making a decision on the Minor Modification to CUP.

Marty Roupe, the town's Zoning Administrator, showed a site plan of the proposed modification.

Omar Zinn stated that he would like to convert six lots into three lots. He stated that single-family home sales have been good, but the duplex units have not sold well. He also stated that they have already built half of the affordable units and asked for the Board's approval of this minor modification to help out a local businessman.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO CLAREMONT
CONDITIONAL USE PERMIT- PHASE I, II & III TO ALLOW RECOMBINATION OF SIX (6)
DUPLEX LOTS TO THREE (3) SINGLE-FAMILY LOTS
RESOLUTION No. 115/2009-10

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for Claremont Subdivision, Phase I, II and III on March 6th, 2006; 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 Claremont Conditional Use Permit is hereby approved.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

Alderman Broun requested that future modification of this nature include statistical information about what the market will bear and what it will not bear.

REVIEW OF MORGAN CREEK GREENWAY CONCEPTUAL MASTER PLAN (ITEM D(3))

The Morgan Creek Greenway Conceptual Master Plan was presented to the Board of Aldermen for review. The Greenways Commission recommended the plan for approval subject to a list of revisions included in the Commission's recommendation.

Jeff Brubaker, the town's Transportation Planner, introduced Dan Jewel with Coulter Jewell Thames, the town's consulting firm who prepared the Morgan Creek Greenway plan.

Dan Jewel, with Coulter Jewell Thames, made the presentation.

George Daniel, Chair of the Greenways Commission, presented the Greenways Commission's recommendations.

Bob Kirschner, a member of the Greenways Commission, assisted with presentation of the Greenways Commission's recommendations.

Bob Kirschner, speaking as a private citizen, asked that attention be given to causing the least amount of disturbance during construction.

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

A RESOLUTION RECEIVING AN UPDATE
ON THE MORGAN CREEK GREENWAY CONCEPTUAL MASTER PLAN
Resolution No. 116/2009-10

WHEREAS, the Carrboro Board of Aldermen support a network of greenways throughout the Town; and

WHEREAS, the Carrboro Board of Aldermen, in 2006, adopted the Recreation and Parks Master Plan update that includes greenways; and

WHEREAS, the Comprehensive Bicycle Transportation Plan of 2009 identified the Morgan Creek Greenway as the "major paved east/west spine of the greenway system"; and

WHEREAS, the Town has been allocated funding for greenway planning and construction from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Town has allocated funds from the General Obligation Bond for the purpose of greenway planning and construction; and

WHEREAS, the Town has contracted with Coulter Jewell Thames to develop a conceptual plan for greenway sections along Morgan Creek, and the Greenways Commission has forwarded the draft plan with implementation recommendations for Board review.

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

Section 1. The Board receives this update and supports the continued pursuit of greenway development for these greenway sections.

Section 2. The town staff is directed to pursue a municipal agreement with NCDOT in order to release an RFP and contract with a firm to develop construction documents and initiate environmental permitting for the greenway trail.

Section 3. The Board hereby adopts the conceptual plan developed by Coulter Jewell Thames and the Greenways Commission implementation recommendations as a platform for future planning and implementation of the Morgan Creek greenway trail.

Section 4. That any future updates on this project contain specific reference to the Greenways Commission's recommendations.

Section 5. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

UPDATE ON THE CAROLINA NORTH TRANSPORTATION IMPACT ANALYSIS (ITEM D(4))

An update to the Transportation Impact Analysis (TIA) for Carolina North was received by the Chapel Hill Town Council in February 2010. The town staff presented an update the Board of Aldermen.

[Alderman Coleman had to leave the meeting.]

Jeff Brubaker, the town's Transportation Planner, made the presentation.

Alderman Broun asked that the next update on this matter include demographic statistics.

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

**A RESOLUTION RECEIVING A REPORT ON THE FALL 2009 UPDATE OF THE
CAROLINA NORTH TRANSPORTATION IMPACT ANALYSIS
Resolution No. 121/2009-10**

WHEREAS, the Fall 2009 Update of the Carolina North Transportation Impact Analysis was received by the Chapel Hill Town Council in February 2010; and

WHEREAS, given Carolina North's proximity to Carrboro and potential impacts on the Carrboro street network, the Board finds that it is important to stay updated on the latest traffic impact estimates;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen receives the attached report on the Fall 2009 Update of the Carolina North Transportation Impact Analysis and directs staff to forward the report to the Planning Board and the following advisory boards:

- Transportation Advisory Board
- Environmental Advisory Board

The following resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of March 2010:

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

Noes: None

Absent or Excused: None

ASSEMBLY OF GOVERNMENTS

The Board discussed its desire to have Assembly of Governments meetings outcome driven

Mr. Stewart stated that the draft agenda for the March 25th Assembly of Governments meeting includes a discussion of the future direction of Assembly of Governments.

MOTION WAS MADE BY RANDEE HAVEN'O'DONNELL AND SECONDED BY LYDIA LAVELLE TO ADJOURN THE MEETING AT 9:26 P.M. VOTE: AFFIRMATIVE ALL

Town Clerk

Mayor