A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 1, 2010 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor Mark Chilton
Aldermen Dan Coleman
Jacquelyn Gist

Joal Hall Broun

Randee Haven-O'Donnell

Lydia Lavelle Sammy Slade

Town ManagerSteven E. StewartTown ClerkSarah C. WilliamsonTown AttorneyMichael B. Brough

### REQUEST FROM THE HUMAN RIGHTS CENTER

Alfonzo Hernandez, representing Judith Blau with the UNC Human Rights Center, presented a proposal for a public hearing on immigrants, jointly sponsored by the Human Rights Center and the Town of Carrboro. He stated the rationale for the hearing is that during difficult economic times, Americans are unclear about the contributions that Latinos make to the economy and, perhaps, the demands that they might make on the economy and social programs. He suggested that the forum might be held at the Century Center.

Alderman Gist suggested that other Carrboro restaurants and Justice United be invited to participate.

Alderman Coleman suggested that the United Rights Center develop the program for the public forum before the Town makes a decision on whether to co-sponsor such an event.

Alderman Slade suggested that the Latino Credit Union be invited to participate.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO REQUEST A FOLLOW UP REPORT FROM TOWN STAFF ON ABBEY COURT BY SEPTEMBER 2010. VOTE: AFFIRMATIVE ALL

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#### APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO APPROVE THE MAY 18, 2010 MINUTES. VOTE: AFFIRMATIVE ALL

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#### UPDATE ON PEDESTRIAN SAFETY AT CROSSWALKS

The Board of Aldermen was asked to receive an update on the efforts to date of the Carrboro Transportation Advisory Board and Carrboro Police Department to address pedestrian safety on N. Greensboro St.

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

WHEREAS, at the February 16, 2010, Board of Aldermen meeting, the Board discussed pedestrian safety on North Greensboro Street and directed the Transportation Advisory Board and Police Department to report back on their efforts regarding this topic; and,

WHEREAS, the Transportation Advisory Board has discussed pedestrian safety on N. Greensboro St. at several recent meetings and gathered information on pedestrian safety in general and pedestrian activity along this roadway segment; and,

WHEREAS, the Police Department has recently conducted enforcement activities along this and other segments;

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

Section 1. The Board of Aldermen receives the update on pedestrian safety on N. Greensboro St.

Section 2. The Board of Aldermen commends the Transportation Advisory Board for its initiative and hard work on this matter, and recognizes the Carrboro Police Department for its follow-up on citizen concerns for pedestrian safety.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 1st day of June 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

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#### AWARD OF CONTRACT FOR AUDIT FIRM

The purpose of this agenda item was to award the contract for the Town's annual audit for the year ending June 30, 2010.

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

A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2009-10 AUDIT Resolution No. 162/2009-10

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

Section 1. That the contract for the FY 2009-10 audit be awarded to Dixon Hughes PLLC for a total cost of \$50,000.

Section 2. 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 1st day of June 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

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# REQUEST TO SET A PUBLIC HEARING ON PEDESTRIAN AND BICYCLE ACCESS ALTERNATIVES IN THE ESTES DRIVE AREA

The Board of Aldermen was requested to consider a resolution setting a public hearing on pedestrian and bicycle access alternatives proposed by Town staff to improve access in the Estes Drive vicinity.

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

# A RESOLUTION SETTING A PUBLIC HEARING ON PEDESTRIAN AND BICYCLE ACCESS ALTERNATIVES IN THE ESTES DRIVE AREA

Resolution No. 167/2009-10

WHEREAS, Estes Drive has been identified as an important corridor for pedestrian and bicycle improvements in Carrboro; and

WHEREAS, the Town of Carrboro *Comprehensive Bicycle Transportation Plan* recommends as a top priority bicycle lanes along both sides of Estes Drive; and

WHEREAS, the Board of Aldermen has directed staff to prepare a report and hold community meetings regarding several potential pedestrian and bicycle access improvement alternatives;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen calls a public hearing for June 22, 2010, at 7:30pm, to receive input on proposed bicycle and pedestrian access improvement alternatives in the Estes Drive area.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 1st day of June 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

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## REQUEST FOR INFORMATION ON POLICE CHECK POINTS

MOTION WAS MADE BY DAN COLEMAN TO REQUEST A REPORT ON POLICE CHECK POINTS AND THE VALUE OF THOSE CHECK POINTS. (MOTION DIED FOR THE LACK OF A SECOND.)

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## <u>CONTINUATION OF A PUBLIC HEARING ON A REVISED DESIGN FOR SMITH LEVEL ROAD</u> IMPROVEMENTS

The purpose of this item was to continue the public hearing on a revised design for Smith Level Road improvements (TIP #U-2803) proposed by the North Carolina Department of Transportation (NCDOT).

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

Allen Wibel showed slides of the existing road and right-of-way along Smith Level Road.

Linda Levitz, a resident of Berryhill stated that children walk through the neighborhood – not along the road.

Jason Henning, resident of Berryhill, stated that building bikeways and sidewalks in exchange for a tree line does not seem in character with the town, that the improvements will have a negative financial impact on his home and that of his neighbors and will affect the quality of life for his family. He asked for information on the radius of the roundabout and the safety of roundabouts vs. protected crosswalks. He challenged the median because of the safety record for Smith Level Road.

Terri Buckner requested a bicycle and pedestrian audit by UNC Highway Safety Research Center.

Gregory Dido, A resident of Berryhill, expressed concerned about children walking on a road without curbs.

Charlie Hileman, speaking for Tom High, stated that Mr. High likes the plan, and suggested that large trees be planted along the sidewalk to enhance the beauty of the road, in addition to making it harder for NCDOT to change its plans for the road in the future.

Charlie Hileman stated that the current conditions on Smith Level Road are terrible for walkers and cyclists. He stated that we have to work with NCDOT to get the improvements done. He stated that this is the compromise that NCDOT has given the town.

Heidi Perry, a member of the Transportation Advisory Board, asked that NCDOT reduce the footprint of the project slightly.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REFER THE FOLLOWING REQUESTS TO NCDOT WITH A REQUEST FOR A RESPONSE AT THE SEPTEMBER 7, 2010 BOARD OF ALDERMEN'S MEETING:

- Provide further justification for the no left turn out of Willow Oak vs. left turns out of BPW Club Road
- Why so much clearing is needed, and is it possible to acquire the right-of-way without clearing it
- Is NCDOT willing to build sidewalks closer to the road if the town agreed to pay for the cost of moving the sidewalk if the town requests future road improvements
- That NCDOT respond to the TAB's recommendations
- Is it possible to build curb and gutter instead of a vehicle recovery lane
- What the cost of curb and gutter is vs. acquiring the right-of-way
- Is it possible to reduce or remove the median from the design
- That a map showing the aerial view of the tree canopy be provided with the project/right-of-way boundary overlaid

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JACQUELYN GIST TO EXCUSE MAYOR CHILTON FROM THE REMAINDER OF THE MEETING DUE TO ILLNESS. VOTE: AFFIRMATIVE ALL

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#### DISCUSSION OF ORANGE COUNTY'S NO FAULT WELL REPLACEMENT POLICY

The purpose of item was to present to the Board of Aldermen the recommendation from Orange County for the No Fault Well Replacement Policy and the request for Carrboro's consent to use enterprise fund revenues to provide for "public benefits" such as well replacement.

Willie Best, Orange County's Assistant Manager, was available to respond to questions. He stated that any well that has an issue will be evaluated by the Health Department.

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

# A RESOLUTION IN SUPPORT OF USING LANDFILL ENTERPRISE FUNDS TO FUND THE ORANGE COUNTY NO FAULT PRIVATELY OWNED WELL REPAIR POLICY Resolution No. 129/2009-10

WHEREAS, in 1999, Orange County, the Towns of Chapel Hill, Carrboro, and Hillsborough entered into an agreement whereby Orange County assumed the responsibility for the disposal of solid waste county-wide; and

WHEREAS, among the many items covered in the agreement were provisions for the county to address various improvements within the area neighboring the landfill property; and

WHEREAS, at its February 2, 2010 meeting the Orange County BOCC approved the concept of establishing a No Fault Well Replacement Policy for residential wells that have failed within an area designated as the Landfill Impact Zone; and

WHEREAS, the policy is intended to allow for an orderly process to consider and respond to complaints from owners of properties within the area of the Landfill where residential wells have failed; and

WHEREAS, under the 1999 agreement, implementation of the proposed Well Replacement Policy requires the approval of all parties to that agreement;

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen supports and approves the proposed No Fault Well Replacement Policy to the extent that the expenditures called for in that policy are permitted by law.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 1st day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton

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#### **UPDATE ON ENERGY ACTIVITIES**

The purpose of this agenda item is to update the BOA on recent staff activities related to energy and sustainability under two topics: results of a community survey related to climate protection; and ARRA submittals to the State Energy Office and US Department of Energy Retrofit Ramp Up Program.

Randy Dodd, the town's Environmental Planner, made the presentation.

Steve Morgan, President of Clean Energy Solutions, stated that the town could seek an energy performance contract that does not require out-of-pocket expenditures.

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

# A RESOLUTION FOR RECEIVING AN UPDATE ON THE TOWN'S ENERGY PLANNING ACTIVITIES Resolution No. 165/2009-10

WHEREAS, Town staff have prepared a memo updating the Carrboro Board of Aldermen on recent staff activities related to climate protection and energy efficiency grant submittals; and

WHEREAS, an ARRA grant application has been submitted to the US Department of Energy (USDOE) Retrofit Ramp Up program in collaboration with the Town of Chapel Hill and the Southeastern Energy Efficiency Alliance (SEEA) to pursue community scale energy efficiency retrofits;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the report prepared by staff and authorize staff to develop a program design and budget for Board review with the goal of supporting building retrofits for energy efficiency and renewable energy.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 1st day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton

MOTION WAS MADE BY SAMMY SLADE AND SECONDED BY DAN COLEMAN TO REQUEST THAT THE TOWN STAFF INVESTIGATE THE POSSIBILITY OF SEEKING THE SERVICES OF JEFF HUGHES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY SAMMY SLADE AND SECONDED BY JOAL HALL BROUN TO REQUEST THAT THE TOWN STAFF LOOK INTO THE POSSIBILITY OF JOINING POWER PURCHASE AGREEMENT BILL. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:23 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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	Mayor
Town Clerk	