

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 7, 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 Manager	Steven E. Stewart
Deputy Town Clerk	Matt Efird
Town Attorney	Michael B. Brough

### **A RESOLUTION APPOINTING A TOWN CLERK**

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

#### A RESOLUTION APPOINTING A TOWN CLERK Resolution No. 13/2010-11

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

Section 1. The Board of Aldermen hereby appoints Catherine Wilson to serve as Town Clerk for the Town of Carrboro.

Section 2. Ms. Wilson will begin her employment with the Town of Carrboro on October 4, 2010 at a salary of \$56,000.00.

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 7<sup>th</sup> day of September 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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### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO APPROVE THE AUGUST 24 AND 31, 2010 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE ALL

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**TOWN CODE AMENDMENT RELATED TO PARKING ON RENEE LYNNE COURT**

The Town staff presented an amendment to Section 6-19 of the Town Code related to parking along Renee Lynne Ct. Staff recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO SPECIFY PARKING RESTRICTIONS ALONG RENEE LYNNE COURT." VOTE: AFFIRMATIVE ALL

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**A REQUEST TO ISSUE A PERMIT FOR A TEMPORARY STREET CLOSING AND USAGE PERMIT FOR ST. JOSEPH CME CHURCH'S FRANGELISM IN THE PARK EVENT**

The purpose of this item was to consider a Street Closing Permit Application submitted by St. Joseph CME Church to temporarily close Broad Street between Fowler Street and Hill Street on Saturday, September 11<sup>th</sup> from 9:00 AM to 2:00 PM for the "Frangelism in the Park" event.

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

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS TO ACCOMMODATE THE FRANGELISM IN THE PARK EVENT**

Resolution No. 10/2010-11

Section 1. The following street shall be temporarily closed and used Saturday, September, 11th 2010 from 9:00 am to 2:00 pm to accommodate the Frangelism in the Park Event: Broad Street between Fowler and Hill Streets.

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.

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

Section 8. 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 7<sup>th</sup> day of September 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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**A REQUEST TO SET A PUBLIC HEARING ON EXTENSION OF GENERAL OBLIGATION BOND AUTHORITY**

The purpose of this agenda item was to establish a date to hold a public hearing to extend the bond authorization for the sidewalk and greenways construction program. At the Town's request, the Local Government Commission is expected to approve (at its meeting on Sept. 7) an extension of this bond authority from November 4, 2010 to November 4, 2013, the maximum time permitted. The Board was required to hold a public hearing prior to taking action to extend this authority and is requested to set a public hearing for September 21, 2010.

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

**A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE EXTENSION OF TIME TO ISSUE \$4,600,000 TOWN GENERAL OBLIGATION BONDS FOR SIDEWALKS AND GREENWAY TRAILS  
Resolution No. 05/2010-11**

**WHEREAS:**

At a referendum held on November 4, 2003, the voters of the Town of Carrboro authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails.

The Town has not yet issued any of such bonds. The Town's authorization to issue such bonds will expire in November, 2010, unless the time is extended as provided by law. The Town has requested that the North Carolina Local Government Commission approve the extension, and the Town expects that the LGC will approve the extension at its meeting on September 7, 2010.

The law requires that the Town conduct a public hearing on the question of extending the time to issue the bonds, before the extension finally takes effect.

**BE IT THEREFORE RESOLVED** by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:

1. The Town will hold a public hearing on September 21, 2010, on the question of whether the time to issue the bonds for sidewalks and greenway trails, as approved at the 2003 referendum, should be extended to November 4, 2013.
2. The Town Manager and the Town Clerk are authorized and directed to prepare and provide for the publication of a notice of such public hearing. The notice must be in the form prescribed by statute.
3. All prior actions of Town officers related to this extension, including actions related to soliciting the LGC's approval of the extension, are ratified and confirmed.
4. This resolution takes effect immediately.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 7<sup>th</sup> day of September 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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**AN ORDINANCE REWRITING CHAPTER 2 OF THE TOWN CODE**

The purpose of this item was to consider an ordinance revising and updating Chapter 2 of the Town Code dealing with meeting procedures and ethical standards of the Board of Aldermen.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE REWRITING CHAPTER 2 OF THE TOWN CODE." VOTE: AFFIRMATIVE ALL

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**A RESOLUTION ADOPTING A CODE OF ETHICS FOR THE BOARD OF ALDERMEN**

Chapter 403 of the 2009 Session Laws requires that the governing boards of all municipalities (and other local governments) adopt by January 1, 2011 a "resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties...." The purpose of this item was to present for the Board's consideration a resolution that complies with this legislative mandate.

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

**A RESOLUTION ADOPTING A CODE OF ETHICS FOR THE BOARD  
OF ALDERMEN OF THE TOWN OF CARRBORO  
Resolution No. 06/2010-11**

WHEREAS, the Constitution of North Carolina, Article I, Section 35, provides that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty"; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem"; and

WHEREAS, G.S. § 160A-86 requires local governing boards to adopt a code of ethics; and

WHEREAS, as public officials, the members of the Board of Aldermen are charged with upholding the trust of the citizens of the Town of Carrboro and with obeying the law;

NOW THEREFORE, in recognition of the obligations assumed by Board Members as public officials representing the citizens of the Town of Carrboro, and acting pursuant to the requirements of G.S. § 160A-86,

THE BOARD OF ALDERMEN OF THE TOWN CARRBORO RESOLVES:

Section 1. The attached Code of Ethics for the Town of Carrboro Board of Aldermen is hereby adopted. The Code of Ethics is not adopted as an ordinance, but for ease of reference, it shall be included as Appendix B to Chapter 2 of the Carrboro Town Code.

Section 2. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

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 7<sup>th</sup> day of September 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 CANCEL SEPTEMBER 14<sup>TH</sup> BOARD WORKSESSION**

The town staff requested that the Board of Aldermen consider cancelling the September 14, 2010 worksession of the Board of Aldermen.

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

A RESOLUTION CANCELLING THE SEPTEMBER 14, 2010  
WORKSESSION OF THE BOARD OF ALDERMEN  
Resolution No. 11/2010-11

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

Section 1. The Board of Aldermen hereby cancels its worksession scheduled for September 14, 2010.

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 7<sup>th</sup> day of September 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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**A RESOLUTION REQUESTING AN APPOINTMENT TO THE ORANGE COUNTY ANIMAL SERVICES ADVISORY BOARD**

The Mayor and Board of Aldermen were requested to consider recommending that Sue Millager be appointed as Carrboro's representative on the Orange County Animal Services Advisory Board.

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

**A RESOLUTION REQUESTING AN APPOINTMENT TO THE  
ORANGE COUNTY ANIMAL SERVICES ADVISORY BOARD  
Resolution No. 12/2010-11**

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

Section 1. The Board of Aldermen hereby requests that the Orange County Board of Commissioners appoint Ms. Sue Millager as Carrboro's representative on the Orange County Animal Services Advisory Board. Ms. Millager's term would expire on June 30, 2012.

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 7<sup>th</sup> day of September 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 BOARD APPROVAL OF A BANKING SERVICES CONTRACT**

The purpose of this agenda item is 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. This is a carryover matter from the August 24, 2010 Board meeting to give staff an opportunity to investigate the possibility of awarding a contract to Harrington Bank to become effective after satisfactory resolution of pending issues with the Office of Thrift Supervision (OTS). This would require continuation of the current contract with Bank of America beyond the current contract expiration date of September 30, 2010.

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

**A RESOLUTION DIRECTING STAFF TO EXECUTE BANKING SERVICES CONTRACTS AND AGREEMENTS  
Resolution No. 09/2010-11**

WHEREAS, the Carrboro Board of Aldermen have received a report on the Banking Services RFP process; and  
NOW THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. Designate Harrington Bank (or bank chosen by Board) as the official depository for the Town, pending resolution of the Office of Thrift Supervision (OTS) issues by 12/31/2010;

Section 2. Upon successful resolution of the OTS issues, awards the banking contract to Harrington Bank; and

Section 3. Authorizes the Town Manager to execute all contracts and agreements to enable the banking services to occur. The Town Manager is authorized to execute a contract with BB&T if Harrington Bank is unable to successfully resolve the OTS issues by 12/31/2010.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 7<sup>th</sup> day of September 2010:

Ayes: Sammy Slade, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: Dan Coleman, Lydia Lavelle

Absent or Excused: Joal Hall Broun

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### **DISCUSSION OF WATER AND SEWER MANAGEMENT, PLANNING AND BOUNDARY AGREEMENT**

The Board of Aldermen requested feedback from the Board of County Commissioners on its intentions and commitment to preserving and protecting historic sites within the area contemplated for economic development in Efland. The Town has received a letter from the County Commissioners and County Staff will be in attendance to respond to questions. A resolution approving the changes to the map of the Efland-Mebane corridor in the Water and Sewer Management, Planning and Boundary Agreement was provided.

Trish McGuire, the town's Planning Administrator, updated the Board on this item.

Perdita Holtz, with the Orange County Planning Department, addressed the Board's questions.

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

#### **A RESOLUTION APPROVING CHANGES TO THE WATER AND SEWER MANAGEMENT, PLANNING, AND BOUNDARY AGREEMENT Resolution No. 08/2010-11**

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and the Orange Water and Sewer Authority adopted a Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA); and

WHEREAS, in 2006, the Efland-Mebane Small Area Plan, which studied a specific area of Orange County's jurisdiction, was adopted by Orange County; and

WHEREAS, said adopted plan recommends modifications to the to the WASMPBA; and

WHEREAS, amendments to the WASMPBA require the approval of all signatories; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro:

1. Approves the changes in the Efland-Mebane corridor to the map titled Appendix A Water and Sewer Management Planning and Boundary Agreement, as presented in the agenda materials.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 7<sup>th</sup> day of September 2010:

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

Noes: Dan Coleman

Absent or Excused: None

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**CONSIDERATION OF WHETHER TO ADOPT A RESOLUTION EXEMPTING THE TOWN OF CARRBORO FROM THE AUTOMATIC EXTENSION OF THE PERMIT EXTENSION ACT OF 2009**

The General Assembly has acted to extend the suspension of otherwise applicable permitting periods and determination of vested rights from December 31, 2010 until December 31, 2011. The law provides that a unit of local government may, by resolution, opt out of the continuation of the permit extension. A resolution that provides an opportunity for the Board to opt out of this extension has been prepared.

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

**A RESOLUTION EXEMPTING THE TOWN OF CARRBORO FROM THE ADDITIONAL ONE YEAR  
AUTOMATIC DEVELOPMENT PERMIT EXTENSION PERIOD  
EFFECTED BY THE ENACTMENT OF HOUSE BILL 683, CHAPTER 177  
OF THE 2010 SESSION LAWS  
Resolution 01/2010-11**

WHEREAS, S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, and Sections 2 and 3 of S.L. 2009-572 provided that, for any development approval that was current and valid at any point during the period beginning January 1, 2008, and ending December 31, 2010, the running of the period of the development approval and any associated vested right under G.S. 160A-385.1 was suspended during the period beginning January 1, 2008, and ending December 31, 2010; and

WHEREAS, S.L. 2010-177 amended the foregoing legislation to extend the period of suspension until December 31, 2011; and

WHEREAS, S.L. 2010-177 provides that a unit of local government may by resolution provide that S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, Sections 2 and 3 of S.L. 2009-572, and by S.L. 2010-177 shall not apply to a development approval issued by that unit of local government; and further provides that a development approval issued by a unit of local government that opts out pursuant to this section shall expire as it was scheduled to expire pursuant to S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, and Sections 2 and 3 of S.L. 2009-572 prior to the enactment of S.L. 2010-177;

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

Section 1. S.L. 2010-177, which amends S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, and Sections 2 and 3 of S.L. 2009-572, shall not apply to any development approval issued by the Town of Carrboro.

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 7<sup>th</sup> day of September 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Randee Haven-O'Donnell

Noes: Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Absent or Excused: None

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MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL BROUN TO ADJOURN THE MEETING AT 10:24 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Deputy Town Clerk