

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 1, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Randee Haven-O'Donnell
	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Catherine Wilson
Town Attorney	Michael B. Brough

Absent or Excused: None

CENTENNIAL ANNOUNCEMENT

Mayor Chilton noted that March 3, 2011 is the Town's 100th birthday and invited all to the Centennial Celebration Event at the Carrboro Century Center.

RED CROSS PROCLAMATION

Mayor Chilton proclaimed March as "Red Cross Month" in the Town of Carrboro.

CHARGES ISSUED

Charges were issued to the following recent appointees of the Town's various Advisory Boards and Committees: Kurt Stolka, Terra Curtis, Jaimee Watts, Earleen Burch, Seth Maid, Bruce Sinclair, Michael Rodgers, John Killen, Christopher Stephenson, Brian Russell, Steph Russ, and Laura Korch.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO APPROVE THE MINUTES OF THE JANUARY 30, 2011 BOARD RETREAT, FEBRUARY 21 LEGISLATIVE BREAKFAST, AS AMENDED, REGULAR MEETING MINUTES OF FEBRUARY 15, 2011 AND FEBRUARY 22, 2011. VOTE: AFFIRMATIVE ALL.

REQUEST FOR APPROVAL OF A MUNICIPAL AGREEMENT WITH NCDOT FOR DESIGN AND CONSTRUCTION OF PHASE 1B OF THE BOLIN CREEK GREENWAY

The Board of Aldermen were asked to consider approving a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to administer federal funding to design and build Phase 1B of the Bolin Creek Greenway. The title given to the facility in the Municipal Agreement is the "Homestead-Chapel Hill HS Multi-use Path." Attachment A also includes approval of a related Capital Project Ordinance.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman Gist:

A RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF THE HOMESTEAD-CHAPEL HILL HS MULTI-USE PATH (BOLIN CREEK GREENWAY PHASE 1B)
Resolution No. 80/2010-11

WHEREAS, a multi-use path along Bolin Creek connecting neighborhoods north of Homestead Rd. with the area south of Homestead Rd., including Chapel Hill High School, is identified as Phase 1B in the Bolin Creek Greenway Conceptual Master Plan; and

WHEREAS, the path is also a recommended segment in the Comprehensive Bicycle Transportation Plan; and

WHEREAS, Vision 2020 (Sec. 4.3) recommends implementation of the Town's bicycle and pedestrian network plans; and

WHEREAS, on December 8, 2009, the Board of Aldermen approved the Conceptual Plan's recommendations for Phases 1A, 1B, and 2, with the stipulation that Phase 1B not extend south of Jolly Branch; and

WHEREAS, federal funding for the Bolin Creek Greenway under the Surface Transportation Program-Direct Attributable (STP-DA) category has been programmed by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, funding for the Bolin Creek Greenway is included in the Capital Improvements Program for FY 10-11, with a local match provided by sidewalks and greenways bond funding; and

WHEREAS, a draft Municipal Agreement has been developed by the North Carolina Department of Transportation (NCDOT) to authorize funding for Phase 1B, using the title, "Homestead-Chapel Hill HS Multi-use Path" and TIP number U-4726 DE;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approves the Municipal Agreement for design and construction of the Homestead-Chapel Hill HS Multi-use Path (Bolin Creek Greenway Phase 1B) and authorizes the Town Manager to execute the agreement.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1st day of March 2011;

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO APPROVE AN ORDINANCE ENTITLED, "BOLIN CREEK GREENWAY PHASE 1-B CAPITAL IMPROVEMENT PROJECT ORDINANCE, FY 2010-2011." VOTE: AFFIRMATIVE ALL.

APPOINTMENTS TO THE HUMAN SERVICES COMMISSION AND BOARD OF ADJUSTMENT

The purpose of this item was to review applications for appointment to the Human Services Commission and to the Board of Adjustment. Both appointments are for three year terms.

The following resolution was introduced by Alderman Gist and duly seconded by Alderman Coleman:

A RESOLUTION MAKING AN APPOINTMENT TO THE HUMAN SERVICES COMMISSION
Resolution No. 72/2010-11

WHEREAS, Audrey Layden is the current chair of the Human Services Commission (HSC); and

WHEREAS, Ms. Layden has submitted an application to be reappointed to the HSC; and

WHEREAS, Ms. Layden's term expires in February of 2011; and

WHEREAS, The Board of Aldermen made appointments to the HSC on February 8, 2011; and

WHEREAS, The HSC still has a remaining vacancy with Ms. Layden's expired seat; and

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

Section 1. The Board of Aldermen hereby appoints Audrey Layden to the Human Services Commission for a term of three years. Ms. Layden's term shall expire on February 1, 2014.

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 1st day of March 2011;

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Gist and duly seconded by Alderman Coleman:

**A RESOLUTION MAKING AN APPOINTMENT TO THE BOARD OF ADJUSTMENT
Draft Resolution No. 77/2010-11**

WHEREAS, Robert Kirschner is a current member of the Board of Adjustment (BoA); and

WHEREAS, Mr. Kirschner has submitted an application to be reappointed to the BoA; and

WHEREAS, Mr. Kirschner's term expires in February of 2011; and

WHEREAS, The Board of Aldermen made appointments to the BoA on February 8, 2011; and

WHEREAS, The BoA still has a remaining vacancy with Mr. Kirschner's expired seat; and

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

Section 1. The Board of Aldermen hereby appoints Robert Kirschner to the Board of Adjustment for a term of three years. Mr. Kirschner's term shall expire in February 2014.

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 1st day of March 2011;

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

Noes: None

Absent or Excused: None

A REQUEST TO ISSUE RACE PERMITS FOR THE ANNUAL FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE, AND THE GALLOP AND GORGE 8K ROAD RACE

The purpose of this item was to consider Street Closing Permit Applications submitted by Cardinal Track Club for the following three annual road races: Four on the Fourth Road Race, Carrboro 10 K Road Race, and the Gallop and Gorge 8 K Road Race.

The following resolution was introduced by Alderman Gist and duly seconded by Alderman Coleman:

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF THE FOLLOWING
STREETS TO ACCOMMODATE THE FOUR ON THE FOURTH ROAD RACE,
CARRBORO 10K ROAD RACE, AND GALLOP AND GORGE 8K ROAD RACE.

Resolution No. 74/2010-11

Section 1. The following streets shall be temporarily closed Monday, July 4, 2011 from 7:45 am to 10:00 am to accommodate the *Four on the Fourth Road Race*. 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 Code.

1. Old Fayetteville Rd. to Carol St.
2. Carol Street to Lorraine St.
3. Lorraine Street to Hillsborough Rd.
4. Hillsborough Road to West. Main St.
5. West Main Street to James St.
6. James Street to Carol St.
7. Carol St. to Old. Fayetteville Rd.
8. Finish at McDougle Middle School

The following streets shall be temporarily closed on Saturday, October 1, 2011 from 7:45 AM to 10:00 AM to accommodate the *Carrboro 10 K Road Race*. 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 Code.

1. Old Fayetteville Rd. to Carol St.
2. Carol St. to James St.
3. James St. to Lorraine St.
4. Lorraine St to Hillsborough Rd.
5. Hillsborough Road to Simpson St.
6. Simpson St. to West Main St.
7. West Main St. to Hillsborough St.
8. Hillsborough St. to Oak St.
9. Oak St. to North Greensboro St.
10. North Greensboro St. to Morningside Dr.
11. Morningside Dr. to Blueridge Rd.
12. Blueridge Rd. to Spring Valley Rd.
13. Spring Valley Rd to Pathway Dr.
14. Pathway Dr. to Parkview Dr.
15. Parkview Dr. to Hillsborough Rd.
16. Hillsborough Rd. to James St.
17. James St. to Rainbow Dr.
18. Rainbow Dr. to Lisa Dr.
19. Lisa Dr to Carol St.
20. Carol St. to Old Fayetteville Rd
21. Finish at McDougle Middle School

The following streets shall be temporarily closed Thursday, November 24, 2011 from 7:45 am to 10:00 am to accommodate the *Gallop and Gorge 8K Road Race*. 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 Code.

1. Roberson to S. Greensboro St.
2. N. Greensboro St. to E. Poplar
3. E. Poplar to W. Main St.
4. W. Main St. to Hillsborough Rd.
5. Hillsborough Rd. to High St.
6. High St. to W. Main St.
7. W. Main St. to Simpson St.
8. Simpson St. to Phipps St.
9. Phipps St. to Lorraine St.
10. Lorraine St. to James St.
11. James St. to Carol St.
12. Carol St. to Lisa Dr.
13. Lisa Dr. to Quail Roost Dr.
14. Quail Roost Dr. to James St.
15. James St. to Hillsborough Rd.
16. Hillsborough Rd. to Greensboro St.
17. Greensborough St. to Roberson St.
18. Finish on Roberson St.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. Applicant shall post signs at roadway intersections along race course, 5-7 days before the event, to notify the public about the running race.

Section 6. Applicant will be responsible for all costs incurred by 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 7. 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 1st day of March 2011;

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

Noes: None

Absent or Excused: None

REQUEST TO CANCEL THE MARCH 8, 2011 BOARD WORKSESSION

Town Staff requested that the Board of Aldermen cancel the March 8, 2011 worksession.

The following resolution was introduced by Alderman Gist and duly seconded by Alderman Coleman:

A RESOLUTION CANCELLING THE MARCH 8TH, 2011
WORKSESSION OF THE BOARD OF ALDERMEN
Resolution No. 79/2010-11

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 March 8, 2011.

Section 1. 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 1st day of March 2011;

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

Noes: None

Absent or Excused: None

AMENDMENT TO THE WATER AND SEWER MANAGEMENT, PLANNING, AND BOUNDARY AGREEMENT

The purpose of this agenda item was to provide the Board of Aldermen with a resolution authorizing changes requested by OWASA, Orange County, and Hillsborough to clarify the Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA).

Alderman Coleman stated that he spoke with the Chair of the County Commissioners and it was requested that the County is included in any resolution that the Board may pass.

Gordon Merklein, Chair, of the OWASA Board of Directors, made the presentation. He explained that current language in the 2001 agreement may be interpreted as constraining access to Jordan Lake water supply allocations. The OWASA Board requested that the language be amended to protect OWASA's five million

gallons/day allocation. The requested change has been approved by the Towns of Hillsborough and Chapel Hill. Mr. Merklein stated that the resolution is supported by the staff members of Carrboro, Chapel Hill, Hillsborough and Orange County. He also explained that the resolution is also supported by the Chamber of Commerce and UNC Chancellor Holden Thorp. Steve Stewart, Town Manager, commented that Town Staff have not announced full support of the amendment.

Mayor Chilton explained that he is not concerned with the Hillsborough or Orange County water supply plans. He explained that he understands that all parties are attempting to do the best thing for the community. He respects OWASA's professional opinions but disagrees with the amendment. He feels the current water conservation efforts have proven to be more effective than anyone would have believed ten years ago and that the community can live with the current water levels. He explained that he does not feel that Jordan Lake water supply is needed at this time. He also stated that the quality of Jordan Lake water is much lower than what is currently available to Carrboro and includes numerous pollutants. Mayor Chilton stated that he does not support the use of Jordan Lake for water in the future. He stated that this item is directly related to the Rural Buffer because there are two factors that define the limits to urban growth for the Chapel Hill-Carrboro Area: 1) the Rural Buffer; and, 2) the available water supply. He wants to see the area grow in a way that is sustainable for the community's water supply.

Alderman Gist stated that one of her first votes as an Alderman involved protecting the University Lake Watershed. The community has taken many steps and sacrifices to protect current water supplies to that Jordan Lake water does not have to be used. She also stated that OWASA plays a role in the planning and zoning of the Town of Carrboro and that by arguing for the use of Jordan Lake, it seems to undermine OWASA's involvement.

Alderman Coleman stated that he agrees with Mayor Chilton's and Alderman Gist's comments. If the Town's current Land Use Planning threatens the sustainability of the locally sustained water supply it should be examined to determine if it is growth, or the staging of growth between now and the availability of the quarry that is threatening. He suggested a joint discussion with the Town of Chapel Hill to determine proper growth limits within Carrboro and Chapel Hill. This item was discussed by the Town of Chapel Hill and there is a feeling that it was not properly deliberated. He stated that the positions that the Board take tonight may help inform the Town of Chapel Hill if this item is brought back to one of their future meetings.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE WATER AND SEWER MANAGEMENT, PLANNING, AND BOUNDARY AGREEMENT (WASMPBA) BE CLARIFIED WITH THE ADDITION OF THE FOLLOWING LANGUAGE AS A NEW SUBSECTION 3 TO SECTION VII.A (EMERGENCY WATER TRANSFERS), AND THAT SAID LANGUAGE ALSO BE ADDED TO THE EXISTING TEXT OF SECTION VII.B (NON-EMERGENCY WATER TRANSFERS): "THE PROVISIONS IN THIS SUBSECTION DO NOT APPLY TO THE TREATMENT OF AND TRANSFER OF WATER AVAILABLE THROUGH HILLSBOROUGH'S OR ORANGE COUNTY'S JORDAN LAKE WATER SUPPLY STORAGE ALLOCATIONS FOR USE BY HILLSBOROUGH OR ORANGE COUNTY CUSTOMERS. NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT HILLSBOROUGH OR ORANGE COUNTY FROM ENTERING INTO AGREEMENTS AS NECESSARY TO PROVIDE FOR WATER TRANSFERS TO AFFORD HILLSBOROUGH OR ORANGE COUNTY ACCESS TO THEIR RESPECTIVE JORDAN LAKE ALLOCATION." VOTE: AYES SIX, NOES ONE (BROUN).

Alderman Slade also expressed his support of the previous comments of the Aldermen. He stated that New York City recently compared the cost of cleaning a water supply versus maintaining a clean water supply and that it is much more cost effective to keep the water supply clean. He suggested that it would be helpful to have figures that compare the Town of Carrboro's water use efficiency with other jurisdictions that will be pulling from Jordan Lake. He also explained that although Jordan Lake is identified as the second best source water alternative after the quarry, that in reality, water conservation restrictions are the next best alternative.

Alderman Broun stated that she sees Jordan Lake as an emergency access to water during times of very limited access to water usage. She does not see the access to Jordan Lake as a replacement of University Lake, Cane Creek, or the quarry but rather as an insurance policy. She thinks that it would allow the Town a method of intake control that is currently not guaranteed. Currently, there is no infrastructure available that would allow direct access to the water. The Town's only access is through Cary. She also requested that when comments are received from other Boards that a memo be sent so that all Board of Aldermen members would have access to the information. She stated that when you discuss growth limits that the cost of water, availability of water, and the rural buffer should all be considered.

Ed Holland, the OWASA Planning Director, stated that the only access to Jordan Lake water is through Durham. The current Level-2 allocation reserves a portion of Jordan Lake for future use but the only way that water is available is through Durham and Cary. There are existing agreements for a short-term purchase from Cary and Durham but the current Level-2 allocation does not allow OWASA direct access to the water. There are no agreements in place that address long-term access. The conversion from Level-2 to Level-1 would require OWASA to pay a one-time fee to the State. Once OWASA has a Level-1 allocation, water purchase rates from Cary would be lower since it would be considered to have come from part of OWASA's allocation. He explained that in the future, Cary or Durham can decide not to sell their water out of their own allocation. OWASA would not purchase water until just before entering into a stage 1 water shortage. He stated that it is recognized and respected that the Board disagrees with the suggested resolution but that it was adopted by OWASA's Board. He explained that Stage 1 thresholds depend on times of year and water volumes but, in May, it should be 70% full to avoid entering a Stage 1 water shortage.

30% ENERGY EFFICIENCY BUILDING CODE – LOCAL BILL

Alderman Slade will provide language to Attorney Mike Brough regarding the energy efficiency building code legislative agenda item.

USE VALUE TAXATION BILL

Alderman Slade will provide additional information to the Board on March 15, 2011 regarding a possible Use-Value taxation bill.

DANIEL AMONI EMAIL – BUILDING OVERHANGS/SETBACKS

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE FOR STAFF TO PROVIDE COMMENTS ON THE DANIEL AMONI EMAIL REGARDING BUILDING OVERHANGS AND SETBACKS. VOTE: AFFIRMATIVE ALL.

HOME TRUST AGENDA ITEM

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO HAVE THE COMMUNITY HOME TRUST ITEM RETURNED TO THE BOARD DURING AN UPCOMING MEETING. VOTE: AFFIRMATIVE ALL.

BALDWIN PARK COMMUNITY GARDEN

Alderman Broun thanked staff for providing an update on the Baldwin Park Community Garden and stated that she would like further information on or before March 15. She also advised the Community Garden Steering Committee to do more outreach by sending information to neighborhood churches and community centers, including but not limited to:

- 1) First Baptist
- 2) St. Joseph’s Methodist
- 3) St. Paul’s AME
- 4) Midway Barbershop

COUNTY UNIFIED DEVELOPMENT ORDINANCE RESOLUTION

Alderman Haven-O’Donnell requested that a certified copy of the Unified Development Ordinance resolution (Resolution No. 78/2010-11) be forwarded to County staff.

SOLAR ON TOWN PROPERTY

Alderman Slade stated that there are solar energy tax benefits available from federal and state funds but the Town does not qualify due to the governmental status. He explained that there are ways in which the Town could benefit by the use of a third-party provider, who would receive the benefit, and pass on a cost savings to the Town. Steve Stewart, Town Manager, stated that the Town reviewed several properties for selection in a Duke Energy pilot program but none of the areas were selected. Alderman Slade will meet with Mr. Stewart to discuss the potential of this item.

201 NORTH GREENSBORO

Alderman Gist asked for information on which property owners received the notice for a community meeting regarding the potential development of 201 North Greensboro.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO
ADJOURN THE MEETING AT 9:02 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk