

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 6, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Interim Town Manager	C. Matthew Efirid
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

Absent or Excused: Dan Coleman

\*\*\*\*\*

**REQUEST TO CONSIDER REVISING THE TOWN CODE TO ALLOW THE USE OF RADIO CONTROLLED DEVICES AT ANDERSON PARK**

Ian Ingalls requested that the Board consider revising the section of the Town Code that prohibits the use of radio controlled devices; specifically model airplanes, at Anderson Park.

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN BROUN TO HAVE STAFF REVIEW THE ORDINANCE THAT PROHIBITS THE USE OF RADIO CONTROLLED DEVICES AT ANDERSON PARK. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

\*\*\*\*\*

**300 EAST MAIN STREET PROJECT CONCERNS**

Mr. Palao, a resident of 103 Boyd Street, read a prepared statement in which he expressed concern with the 300 East Main Street project. Specifically, he stated that he has had issues working with Main Street Properties, obtaining construction easements, and with the project's encroachment on his property. He stated that he has met with members of the Town's staff and with Main Street Properties on multiple occasions.

MOTION WAS MADE BY ALDERMAN BROUN AND SECONDED BY ALDERMAN SLADE FOR STAFF TO PROVIDE A REPORT ON THE DETAILS OF THE MEETINGS WITH MR. PALAO, BACKGROUND ON THE SITUATION, AND OPTIONS AVAILABLE FOR RESOLUTION, AS SOON AS POSSIBLE. VOTE AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

\*\*\*\*\*

**REQUEST TO MAKE APPOINTMENTS TO THE GREENWAYS COMMISSION**

Diane Robertson, an interested citizen, requested the appointment of new faces on the Greenways Commission. She specifically requested that more women be appointed. She expressed support for Mary Parker Sonis and Linda Haac, two applicants being considered for appointment.

THIS ITEM WAS POSTPONED TO THE SEPTEMBER 13, 2011 WORKSESSION.

\*\*\*\*\*

**VICKER'S DECISION CELEBRATION**

Alderman Haven-O'Donnell stated that Stanley Vickers, Sheila Binum, and Florence and Ted Stone appreciated the celebration and the Town's recognition of the landmark civil rights case.

\*\*\*\*\*

**CHARGES ISSUED**

The Town Clerk issued charges to newly appointed Economic Sustainability Commission member Arthur Bevin Ramsey and Environmental Advisory Board members Robert Crook and Ian Morse.

\*\*\*\*\*

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN BROUN TO APPROVE THE AUGUST 23, 2011 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

\*\*\*\*\*

**AMENDMENT TO CHAPTER 11, ARTICLE III, SECTION 11-19 OF THE CARRBORO TOWN CODE TO PROHIBIT THE PLACEMENT OF CERTAIN ITEMS WITHIN DUMPSTERS OR MOBILE HOUSEHOLD TRASH CONTAINERS**

The purpose of this item was to request amendments to Chapter 11, Section 11-19 updating the list of waste items that may not be placed in roll-out containers or dumpsters 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.

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Broun:

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE III, SECTION 11-19 OF THE CARRBORO TOWN CODE TO PROHIBIT THE PLACEMENT OF CERTAIN ITEMS WITHIN DUMPSTERS OR MOBILE HOUSEHOLD TRASH CONTAINERS**

Ordinance No. 2/2011-12

Section 1. Subsections 11-19 (j) is rewritten to read as follows:

11-19 (j) In addition to the items specified in Subsections 11-19 (g) & (h), the following items may not be placed within the mobile containers described in Subsection 11-17(d);

- (1) Any liquid waste. Solidified grease is permissible.
- (2) Hot ashes or hot coals;
- (3) White goods; (Amend. 12/13/94)
- (4) Aluminum cans; (Amend. 12/13/94)
- (5) Animal carcasses; (Amend. 12/13/94)
- (6) Recyclable corrugated cardboard (as defined in Section 11-18(8)); (Amend. 11/21/95, 12/2/08)
- (7) Recyclable rigid plastic containers, including beverage containers that have a neck smaller than the body of the container and that accept a screw top, snap cap, or

other closure. This prohibition shall not apply to rigid plastic containers that are used in the sale or distribution of motor oil, or that have a capacity of less than eight fluid ounces or more than five gallons;

(8) As provided by G.S. 18B-1006.1, empty bottles and cans resulting from a business that serves alcohol pursuant to an ABC permit, that are required to be recycled by the permittee;

(9) Building materials, including but not limited to such items as lumber, shingles, bricks, sheetrock, insulation, wooden pallets, etc.;

(10) Paint, gasoline, diesel fuel, heating oil, kerosene, transmission fluid, gear oil, brake fluid, antifreeze, flammable liquids, solvents, or other liquids containing hazardous chemicals;

(11) Motor oil or motor oil filters;

(12) Wet cell batteries;

(13) Whole scrap tires, including all whole pneumatic rubber covering;

(14) Oyster shells;

(15) Asbestos.

*(16) Computer equipment as defined in GS130A-309.131, and includes, any desktop computer, notebook computer (also referred to as a laptop computer), monitor or video display unit for a computer system and the keyboard, mice, other peripheral equipment, and a printing device such as a printer, a scanner, a combination print-scan-fax machine, or other device designed to produce hard paper copies from a computer.*

*(17) Television as defined in GS130A-309.131.*

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**A MINOR MODIFICATION TO THE TOWN HALL CELLULAR TOWER CONDITIONAL USE PERMIT BY AT&T**

AT&T applied for a minor modification to the Town Hall Cellular Telecommunications Tower located at 301 West Main Street. Per Section 15-176 (15) of the Land Use Ordinance (LUO), additional antenna arrays located on existing towers must be approved through the minor modification process. The Zoning Division requested that the Board of Aldermen approve the request regarding the minor modification.

Alderman Broun suggested that future leases more clearly define “modernization” so that if changes result in increased revenues, those revenues can be shared with the Town per the lease agreement.

Matt Efird, Interim Town Manager, noted that the modification does not result in any radiation increase.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Broun:

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE TOWN HALL  
TELECOMMUNICATION TOWER LOCATED AT 301 WEST MAIN STREET  
Resolution No. 15/2011-12

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 301 West Main Street on November 22, 1998; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall 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 for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Town Hall Telecommunication Tower located at 301 West Main Street allowing AT&T to install three additional antennas to the existing array at the height of 135 feet and remove two existing equipment cabinets and replace them with new equipment in the same location.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**HOME INVESTMENT PARTNERSHIP PROGRAM CONSORTIUM AGREEMENT AMENDMENT**

The purpose of this agenda item was for the Board to consider amending the current HOME Investment Partnership Consortium Agreement.

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Broun:

A RESOLUTION TO APPROVE AN AMENDMENT TO THE  
2011 ORANGE COUNTY HOME CONSORTIUM AGREEMENT  
Resolution No. 13/2011-12

WHEREAS, the Board of Aldermen on April 29, 2011 approved a resolution directing the Town Manager to execute an agreement for the Orange County HOME Consortium; and

WHEREAS, HUD is requesting the HOME Consortium partners amend the agreement to include the language "The term of this Agreement begins with the effective date of July 1, 2011 and ends June 30, 2014. Subject to the requirements of Paragraph E of this Section, the County and Towns agree that the terms of this Agreement cover the period necessary to carry out all activities that will be funded from funds awarded during three federal fiscal years (2011, 2012, 2013) and that all members of OHC will remain in OHC for the entire period. The Agreement remains in effect until the HOME funds from each of the federal fiscal years of the qualification period are closed out pursuant to 24 CFR 92.507." ; and

WHEREAS, this language was included in the previous 2008 HOME Consortium Agreement.

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen amend the agreement and direct the Interim Town Manager, Matt Efird, to sign the proposed amendment.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**A REQUEST TO MAKE AN APPOINTMENT TO THE CARRBORO NORTHERN TRANSITION AREA ADVISORY COMMITTEE**

The Mayor and Board of Aldermen were requested to consider recommending to the Orange County Board of Commissioners that Ms. Amy Jeroloman be appointed as an Orange County representative on the Northern Transition Area Advisory Committee.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Broun:

A RESOLUTION RECOMMENDING THAT THE ORANGE COUNTY BOARD OF COMMISSIONERS  
MAKE AN APPOINTMENT TO THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE  
Resolution No. 11/2011-12

WHEREAS, Ms. Amy Jeroloman has submitted an application to serve on the Town's Northern Transition Area Advisory Committee (NTAAC); and,

WHEREAS, There is a vacancy on the NTAAC; and,

WHEREAS, Section 15-27 (a) of the Town Code reads, "There shall be a Northern Transition Area Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the Board of Aldermen. If the Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Board of Aldermen requesting that they be made, the Board of Aldermen may make them. All members shall be residents of the Northern Transition Area;" and,

WHEREAS, Staff has verified that Ms. Jeroloman meets the residency requirements; and,

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

Section 1: Ms. Amy Jeroloman's application is hereby forwarded to the Board of Orange County Commissioners and recommended for appointment to the Town of Carrboro's Northern Transition Area Advisory Committee; and,

Section 2: Ms. Jeroloman's appointment be made to an unexpired term that is set to expire in January of 2012; and,

Section 3: Pursuant to Section 15-27(b) of the Carrboro Town Code, Ms. Jeroloman shall be eligible for two additional three-year appointments; and,

Section 4: The Town Clerk shall forward a copy of this resolution to the Orange County Board of Commissioners; and,

Section 5: This resolution is effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**TOWN CODE AMENDMENT RELATED TO CERTAIN LEFT-TURN MOVEMENT RESTRICTIONS AND BIKEWAYS**

The Board was asked to consider an amendment to Chapter 6 of the Town Code to remove certain left-turn prohibitions and modify the list of established bikeways to reflect improvements to Weaver Street.

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Broun:

**AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO REMOVE CERTAIN LEFT TURN PROHIBITIONS AND MODIFY THE LIST OF ESTABLISHED BIKEWAYS TO REFLECT IMPROVEMENTS TO WEAVER STREET**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article II of Chapter 6, Section 6-8(b)(2), of the Carrboro Town Code is amended by removing the following text:

From the Carr Mill exit onto Main Street\* (Amend. 9/12/78)

From Roberson Street onto Main Street\* (Amend. 9/12/78)

Section 2. Article VIII of Chapter 6, Section 6-34(3), of the Carrboro Town Code is amended by adding a new subsection:

d. East Weaver Street from North Greensboro Street to East Main Street.

Section 3. Article VIII of Chapter 6, Section 6-34(1)c., of the Carrboro Town Code is amended as follows:

c. A ~~4-foot~~ 5-foot strip along the outside edge of the roadway on both sides of Weaver Street from North Greensboro Street to West Main Street.

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. Section 3 of this ordinance shall become effective upon completion of the Weaver Street Reconstruction project. All other sections of this ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**REQUEST FOR APPROVAL OF A SUPPLEMENTAL AGREEMENT WITH NCDOT TO CONTINUE SAFE ROUTES TO SCHOOL ENCOURAGEMENT AND EDUCATION ACTIVITIES**

The Board of Aldermen was asked to consider approval of a Supplemental Agreement with NCDOT to extend the timeline of the Municipal Agreement, approved by the Board of Aldermen on May 18, 2010 to December 31, 2011.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Broun:

**A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH NCDOT TO CONTINUE SAFE ROUTES TO SCHOOL EDUCATION AND ENCOURAGEMENT ACTIVITIES THROUGH 2011**

**Resolution No. 14/2011-12**

WHEREAS, in Fall 2009, the North Carolina Department of Transportation (NCDOT) awarded the Town of Carrboro a "non-infrastructure" grant to support Safe Routes to School programming encouraging walking and bicycling to and from school; and,

WHEREAS, successful programming took place during the 2010-2011 school year, including Fall 2010 Walk/Bike to School Day; March 2011 Kids' Bike Safety Rodeo; April 2011 Bike Fix-It Day; and May 2011 Walk/Bike to School Week; and,

WHEREAS, extending the Municipal Agreement for the non-infrastructure grant would allow programming to continue during the Fall 2011 school year;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approves the Supplemental Agreement with NCDOT to extend the time frame of the Municipal Agreement to December 31, 2011.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**LIBRARY SEARCH AND CARRBORO CYBRARY**

Alderman Haven-O'Donnell noted that as the Southwest Orange library siting process continues, she wants everyone to keep impacts to Carrboro's Cybrary in mind.

\*\*\*\*\*

**REPORT ON DRAFT LOCAL STORMWATER PROGRAM REQUIRED UNDER JORDAN NEW DEVELOPMENT STORMWATER RULE, 15A NCAC 2B. 0265**

The Jordan New Development Stormwater Rule, 15 NCAC 2B. 0265, sets out standards that Carrboro is required to incorporate into its local stormwater program. A report on the local program requirements, including ordinance provisions associated with new development, has been prepared. A resolution that accepts this report is provided.

Randy Dodd, the Town's Environmental Planner, made the presentation. He explained that studies have been conducted in various streamsites along the watershed to provide data and modeling information on the amounts of phosphorous and nitrogen that are reaching Jordan Lake. He explained that these efforts have estimated nitrogen and phosphorus sources based on small watersheds but not on municipal boundaries. He stated that the Scientific Advisory Board and a local government informal workgroup at Triangle J Council of Government are working together to find the best way to gain the most accurate information related to specific phosphorous and nitrogen sources. He also mentioned that the Town has collaborated with Chapel Hill to monitor nitrogen and phosphorus in local streams. That program is temporarily on hold while staff members work to improve the monitoring design.

Betsy Kempter, a Friends of Bolin Creek representative, expressed concern with methods used to measure nitrogen and phosphorus amounts related to the Town of Carrboro. She asked the Town to consider monitoring the amounts of nitrogen and phosphorous leaving Carrboro and heading downstream.

Alderman Broun asked about the effects of drought on the monitoring process. Mr. Dodd stated that most nutrients are carried downstream from stormwater but that during drought periods, nutrients are still carried downstream through wastewater.

Mayor Chilton stated that it would be interesting to know the amounts of nitrogen and phosphorous that flow into University Lake watershed.

The following resolution was introduced by Alderman Broun and seconded by Alderman Lavelle:

**RESOLUTION RECEIVING REPORT ON CARRBORO'S LOCAL STORMWATER PROGRAM AS REQUIRED BY JORDAN LAKE NEW DEVELOPMENT STORMWATER RULE**

**Resolution No. 10/2011-12**

WHEREAS, the North Carolina General Assembly, Environmental Management Commission and Division of Water Quality have adopted and are implementing rules to limit nitrogen and phosphorus inputs to Jordan Lake; and

WHEREAS, these Rules adopted for Jordan Lake require local governments to develop and enforce local ordinances to limit phosphorus and nitrogen from new development, 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

WHEREAS, the Environmental Management Commission and Division of Water Quality will be reviewing Carrboro's draft ordinance and program to manage phosphorus and nitrogen from new development;

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

The Board accepts the staff report "Report on Draft Local Stormwater Program Required under Jordan New Development Stormwater Rule, 15A NCAC 2B. 0265"

The resolution is effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6<sup>th</sup> day of September 2011:

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

Noes: None

Absent or Excused: Dan Coleman

\*\*\*\*\*

**TOWING – ACCEPTANCE OF DEBIT/CREDIT CARDS AND TOWING INCREASES AROUND CARR MILL MALL AND DOWNTOWN AREA**

Alderman Gist stated that she has heard several complaints from people that had their vehicle towed from downtown and were unable to pay for the towing fees with a credit or debit card. She stated that Barnes Towing refused to accept a credit card and asked if there are penalties that can be imposed.

Matt Efird, Interim Town Manager, noted that staff will be meeting with Carr Mill Management to discuss the recent increases in towing. He also stated that towing companies were recently notified that they must accept debit and credit cards.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO REFER THE ITEM TO STAFF FOR FOLLOW-UP. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

Alderman Gist requested that someone from the Town make a phone call to Barnes Towing to notify them that the Town is aware of their failure to comply with the ordinance requiring the use of cards as payment.

Mayor Chilton asked if towing companies that are not based in the Town of Carrboro, but do business in the Town, are required to have a privilege license with the Town. He also asked if a privilege license may be revoked in this type of situation.

**OWASA – RAINFALL REPORT**

Alderman Broun asked that OWASA staff provide a rainfall report for the last seven years in the same format as the information provided in their annual update.

**OWASA – JORDAN LAKE**

Alderman Slade stated that Alderman Coleman had sent an email requesting a copy of the communication from the North Carolina Department of Water Resources that lays out the submission requirements related to the referenced Spring 2012 deadline for submitting documentation regarding OWASA's need for Jordan Lake. Mr. Efird noted that staff sent the request for the information to OWASA.

**ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 8:45 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

\*\*\*\*\*

---

Mayor

---

Town Clerk