

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 1, 2011 in the OWASA Community Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Interim Town Manager	C. Matthew Efir
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

Absent:

Alderman	Randee Haven-O'Donnell
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UNC STUDENT PRESENTATION

Victoria Nguyen, a Political Science major at UNC, made a presentation to the Board about the UN Convention on the Rights of a Child.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO RECEIVE THE PETITION AND TO PLACE THE ITEM ON A FUTURE AGENDA. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

CHARGES ISSUED

The Town Clerk issued charges to the following recent advisory board appointees:

- 1) Linda Haac, Transportation Advisory Board
- 2) Brian Decker, Northern Transition Area Advisory Board
- 3) Sheryl Forbis, Appearance Commission.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN BROUN AND SECONDED BY ALDERMAN COLEMAN TO APPROVE THE OCTOBER 18 AND OCTOBER 25, 2011 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABESENT ONE (HAVEN-O'DONNELL)

AN AMENDMENT TO THE FY 2011-12 BUDGET ORDINANCE – SEEA GRANT FUNDS

The Board was requested to approve a budget amendment to appropriate the additional \$50,000 in grant funds received from the Southeast Energy Efficiency Alliance (SEEA).

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

AMENDMENT TO FY 2011-12 ANNUAL BUDGET ORDINANCE - SEEA
Ordinance No. 8/2011-12

WHEREAS, the Town Board of the Town of Carrboro on June 21, 2011 adopted annual budget ordinance number 23/2010-11 for the fiscal year beginning July 1, 2011 and ending June 30, 2012; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT NAME	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Program Management	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
Commercial Energy Efficiency RLF	\$ 100,000.00	\$ -	\$100,000.00
Residential Finance Subsidy	\$ -	\$ 34,650.00	\$ 34,650.00
Audit Subsidy	\$ 5,000.00	\$ 9,750.00	\$ 14,750.00
QA/OC	\$ 5,000.00	\$ 3,500.00	\$ 8,500.00

REASON: To recognize and appropriate for use additional grant revenues from SEEA.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 1st day of November 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randee Haven-O'Donnell

**AN AMENDMENT TO THE FY 2011-12 ANNUAL BUDGET ORDINANCE –
REVOLVING LOAN FUND**

The Board was requested to approve a budget amendment to reflect the status of loans and reserves in the Revolving Loan Fund as of June 30, 2011.

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

**AMENDMENT TO FY 2011-12 ANNUAL BUDGET ORDINANCE – REVOLVING
LOAN FUND**

Ordinance No. 9/2011-12

WHEREAS, the Town Board of the Town of Carrboro on June 21, 2011 adopted annual budget ordinance number 23/2010-11 for the fiscal year beginning July 1, 2011 and ending June 30, 2012; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT NAME	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Revolving Loan Fund Revenues	\$ 1,118,440.00	\$ 99,459.00	\$ 1,217,899.00
Revolving Loan Fund Expenses	\$ 1,118,440.00	\$ 99,459.00	\$ 1,217,899.00

REASON: To reflect the Revolving Loan Fund principal repayments and interest earnings from FY 2009-10 to FY 2010-11.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 1st day of November 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randeé Haven-O'Donnell

AN ORDINANCE AMENDING CHAPTER 14 OF THE TOWN CODE TO CONFORM SECTION 14-18 WEAPONS ON TOWN PROPERTY TO S.L. 2011-268

The purpose of this item was for the Board of Aldermen to review and approve the draft ordinance as a result of recent legislation enacted by the North Carolina General Assembly that limits municipalities' authority to regulate concealed handguns within Town recreational facilities.

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

**RESOLUTION REGARDING CONCEALED HANDGUNS IN TOWN PARKS
Resolution No. 37/2011-12**

WHEREAS, in 2011 the North Carolina General Assembly enacted legislation that limits municipalities' authority to regulate concealed handguns; and

WHEREAS, the new law provides limited exceptions in which towns may regulate concealed handguns in the areas of "municipal buildings and their appurtenant premises" and "recreational facilities"; and

WHEREAS, the new law defines recreational facilities to include only the following: a playground, an athletic field, a swimming pool, and an athletic facility; and

WHEREAS, the existing Carrboro town ordinance regulating "Weapons on Town Property" may be too broad and no longer legally enforceable; and

WHEREAS, the safety and well-being of residents and children who use the town parks is a priority for the Carrboro Recreation and Parks Commission;

THEREFORE BE IT RESOLVED, that the Carrboro Recreation and Parks Commission recommends to the Carrboro Board of Aldermen that this issue and need for a revised ordinance be evaluated by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Carrboro Recreation and Parks Commission recommends that an ordinance be developed that is as restrictive as possible in keeping handguns, whether open or concealed, out of town parks.

BE IT FINALLY RESOLVED, that the law's exception for "recreational facilities" be applied as broadly as legally enforceable in order to cover as much of the park areas as possible, including greenways, picnic shelters, restrooms and other such areas associated with "recreational facilities."

Submitted by: Carrboro Recreation and Parks Commission with unanimous approval
on October 3, 2011.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1ST day of November 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randee Haven-O'Donnell

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE TOWN CODE TO CONFORM
SECTION 14-18 (WEAPONS ON TOWN PROPERTY) TO S.L. 2011 – 268.
Ordinance No. 10/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 14-18 of the Carrboro Town Code is amended to read as follows:

Section 14-18 Weapons on Town Property

- (a) Subject to subsection (b), no person on town property may possess or carry whether openly or concealed, any deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes.
- (b) Subsection (a) shall not apply to:
 - (1) Federal, state or local law enforcement officers acting in the discharge of their official duties, if such officers are authorized by law to carry weapons;
 - (2) Persons authorized to carry concealed handguns pursuant to N.C.G.S. Chapter 14, Article 54B, unless possession of a concealed handgun on certain town property is prohibited pursuant to subsections (c) or (d) of this section.
- (c) The town manager, or his designee, is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each building or portion of a building owned, leased as lessee, operated, occupied, managed, or controlled by the town, the appurtenant premises to such buildings, and the recreational facilities identified in subsection (d), indicating that carrying a concealed handgun is prohibited therein.
 - (1) Signs on buildings shall be visibly posted on the exterior or each entrance by which the general public can access the building. The manager or his designee

shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and the recreational facilities identified in subsection (d).

- (2) The intent of this subsection is to direct the posting of town property such that, pursuant to N.C.G.S. 14-415.11(c), the carrying of concealed handguns on the posted premises will constitute a violation of N.C.G.S. 14-269.

- (d) The provisions of subsection (c) shall apply to the following town recreational facilities. Consistent with N.C.G.S. 14-415.23, a concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.
 - (1) Athletic fields (including adjacent stands, bathrooms, and warm-up areas that serve those fields).
 - i. Baseball/softball fields at Anderson Park
 - ii. Baseball field at Wilson Park
 - iii. Multipurpose field at Anderson Park
 - iv. Multipurpose athletic field adjacent to playground in Wilson Park
 - v. Multipurpose field at MLK Park
 - (2) Athletic facilities
 - i. Disc Golf Course at Anderson Park
 - ii. Basketball Courts at Anderson, Baldwin and Brewers Park
 - iii. Tennis Courts at Anderson and Wilson Parks
 - iv. Volleyball court at Anderson Park
 - (3) Playgrounds (including adjacent seating areas)
 - i. Playgrounds at Anderson, Baldwin, Simpson Street, Town Commons and Wilson Parks

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

Section 3. This ordinance shall become effective December 1, 2011.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 1st day of November 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randee Haven-O'Donnell

TOWN CODE AMENDMENTS – INSTALLATION OF STOP SIGNS ON ROSSBURN WAY AT THE INTERSECTION WITH PALOMAR POINT

Town staff prepared an amendment to the Town Code related to the installation of stop signs on Rossburn Way at the intersection with Palomar Point and recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II, SECTION 6.4 OF THE TOWN CODE RELATED TO STOP SIGNS REQUIRED AT CERTAIN INTERSECTIONS
Ordinance No. 11/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Chapter 6, Article II, Section 6-4(c) of the Carrboro Town Code is amended by adding the following to the list of intersections at which a stop sign is required:

Section 6-4(c) The intersections of the following streets are declared to be 3-way intersections, and the administrator shall erect stop signs on each street at the entrance to the intersection.

Stop Street	Through Street
Rosburn Way	Palomar Pt.

Section 2. The existing stop sign on Palomar Pt. shall remain, however, Chapter 6, Article II, Section 6-4 (a) of the Carrboro Town Code is amended by deleting the following from the list of intersections at which a stop sign is required now that the intersection will be a 3-way stop:

Section 6-4(a) The second named street in the following list of intersections is hereby designated as a main traveled or through street, and the administrator shall erect stop signs on the first name street at the entrance to the main traveled or through street.

Stop Street	Through Street
Palomar Pt.	Rosburn Way

Section 3. Subsections (b) and (c) of Section 6-4 of the Town Code are amended by deleting the column headings “**Stop Street**” and “**Through Street**” from each subsection

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

Section 5. 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 1st day of November 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randee Haven-O'Donnell

REVIEW OF DOWNTOWN CIRCULATION STUDY ISSUES

The Board of Aldermen received an update on traffic circulation in the downtown area.

Jeff Brubaker, the Town's Transportation Planner, made the presentation. He noted that traffic scores of "c," "d," and "e" are generally acceptable in vibrant downtown areas. He stated that a further analysis and final report be available after the completion of the Weaver Street Project.

Alderman Broun suggested that the Board determine an optimal level of service based upon traffic levels that still attract people to downtown.

Alderman Slade asked staff to look into parking enforcement and to report back with a cost benefit analysis of enforcing time-limited parking.

Mayor Chilton suggested that the Towns of Chapel Hill and Carrboro work together to develop a vision for the Estes Drive extension and the intersection at Merritt Mill, Franklin Street, Main Street and Brewer Lane in advance of NC Department of Transportation project. He also encouraged further stakeholder involvement in those discussions.

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

A RESOLUTION RECEIVING A PRELIMINARY UPDATE ON DOWNTOWN TRAFFIC CONDITIONS

Resolution No. 40/2011-12

WHEREAS, *Carrboro Vision 2020* declares that the "safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential", and;

WHEREAS, several approved or proposed development projects, capital projects, and planning processes affecting traffic in downtown Carrboro suggest a need to reflect on conditions for all of these modes;

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

1. The Board receives the preliminary update; and
2. The Board directs staff to provide a more comprehensive review of downtown traffic to be brought back to the Board;

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

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randee Haven-O'Donnell

**STAFF REPORT ON OPTIONS TO DEAL WITH DEER OVERPOPULATION,
INCLUDING A PROPOSED ORDINANCE PROHIBITING THE INTENTIONAL
FEEDING OF DEER**

At the October 12, 2010 Board of Aldermen worksession, the Board received a staff report on options to deal with deer overpopulation, to include management methods (deer resistant plants, deer repellants, and fencing) and population control methods. The Board directed Town staff to keep them informed of any new developments in urban deer management strategies; to provide educational information about deer management methods to community members, including those involved in community gardening; and to prepare a draft ordinance prohibiting the intentional feeding of deer.

Carolyn Hutchison, the Police Chief, made the presentation to the Board.

Joe Lasher, a representative of Backyard BowPro, spoke to the Board about an urban archery season. He stated that his organization verifies bow hunters and that they work with Farmers and Hunters Feeding the Hungry and asked that the Board consider the food donation aspect of their work.

Ramon Bell, president of the North Carolina Bow Hunters Association, also spoke to the Board about an urban archery season. He stated that his organization has worked in North Carolina for over seven years and also certify bow hunters for urban archery. He stated that there is a distinct difference in the urban archery hunting season and the regular season and that the Board must approve the urban archery season and apply to the NC Wildlife Association to be included in the season.

Ashley Stanford, of 1800 N. Greensboro Street, spoke about the health and safety aspect of the deer problem. He asked the Board to quit ignoring that deer are a serious problem in Carrboro.

He stated that he has witnessed deer running into vehicles, eating his shrubbery, and causing serious health and safety issues in Carrboro.

Bob Reda, president of Broken Arrow Archery, stated that he has been working within the neighborhoods of Chapel Hill with their urban archery program. He explained that the Town of Chapel Hill requires hunters to shoot down from at least 15 feet in the air to limit the path of the arrow. He stated that in North Carolina, there has never been a report of an accidental shooting with a bow and arrow.

Brian Calloway, a resident of Blue Ridge Road, encouraged the Board to relax the ordinance to allow residents to shoot a bow on their own property. He explained that he works with a farmer, outside of the Town limits, by hunting deer on the farm. He also stated that many of his neighbors have expressed an interest in having him cull the deer on their land.

It was the consensus of the Board to schedule a public hearing regarding Urban Archery during January of 2012.

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

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROHIBIT THE
FEEDING OF DEER
Ordinance No. 12/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article III of Chapter 10 of the Carrboro Town Code is amended by adding a new Section 10-7.1 to read as follows:

Section 10-7.1 Feeding of Deer Prohibited.

(a) Subsection to subsection (f), no person within the corporate limits of the town may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of feeding or attracting deer.

(b) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer at a height of less than five (5) feet off the ground is for the purpose of feeding deer.

(c) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer in a drop feeder, automatic feeder, or similar device regardless of the height of such device is for the purpose of feeding deer.

(d) Each property owner shall remove any materials placed on the owner's property in violation of this section within 48 hours of being notified by the town that such violation exists. Failure to do so shall constitute a separate violation of this section.

(e) Each property owner shall remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such device or make other changes to the property that prevent deer from having access to or feeding from the device. Failure to remove the device or make necessary modifications with 48 hours of notice from the town shall constitute a separate violation of this section.

(f) This section does not apply to:

- (1) Naturally growing materials, including but not limited to fruits, grains, seeds, vegetables, or other crops or vegetation.
- (2) Stored crops, provided that such crop materials are not intentionally made available to deer.
- (3) Feeders used to provide food to domestic animals or livestock.

Section 2. The first sentence of Subsection 10-39(b) of the Carrboro Town Code is amended to read as follows:

A violation of any of the provisions cited in subsection (a) [except 10-25(n)] as well as Sections, 10-4(b), 10-4(c), 10-4(d), 10-5(a), 10-5(b), 10-7.1, 10-11(a), 10-12(e), 10-15, 10-17.1 10-21, 10-28(b), 10-29(b), 10-29(c), 10-30(c), 10-31(a), 10-34, and 10-35 shall subject the offender to a civil penalty of \$25.00.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. 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 1st day of November 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randee Haven-O'Donnell

STATUS UPDATE ON VARIOUS ISSUES AT THE WINMORE VMU SUBDIVISION

The purpose of this item was for the Board to receive a status update and to continue a discussion regarding issues and complaints at the Winmore Subdivision.

Scott Kovens, the developer, stated that Winmore is an all-inclusive neighborhood and that no one has been excluded from the use of any of the facilities. He stated that they have not been contacted by any of the complainants.

Robert Dowling, Executive Director of the Community Home Trust, stated that he met with the regional director of Crossland Management Company about various issues and that the representative explained that the affordable tenets were not allowed to pay the deposit for a pool access key because it may violate the Federal Tax Code.

Eric Chupp, a representative of Capkov Ventures, stated the pool access issues have been taken care of and there have been no recent changes to the playground rules.

No further action was requested by the Board.

LIBRARY SITING CRITERIA

Alderman Lavelle asked for the Board to discuss various library siting criteria, including the possibility of creating a library zoning category, during the worksession on January 10, 2012.

PETITION PROCEDURE

Alderman Broun suggested that the Board adopt a procedure on how the Board handles petitions from the public. It was suggested that this be brought back to the Board during the worksession on January 10, 2012.

LETTER TO CHANCELLOR THORP

Alderman Slade presented Board members with a copy of a letter to UNC Chancellor Thorp asking that UNC endowment funds be removed from coal investments and reinvested in the clean, green, and renewable energy economy of the future. Town staff was requested to investigate the use of “ethical investing” in Local Government Commission- approved investment vehicles.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN BROUN TO ADJOURN THE MEETING AT 9:58 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

Mayor

Town Clerk