A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 7, 2012 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor Mark Chilton
Aldermen Dan Coleman
Jacquelyn Gist
Michelle Johnson
Lydia Lavelle

Randee Haven-O'Donnell

Sammy Slade

Interim Town ManagerC. Matthew EfirdTown ClerkCatherine C. WilsonTown AttorneyMichael B. Brough

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#### TOWN MANAGER ANNOUNCMENT

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN GIST THAT, SUBJECT TO THE EXECUTION OF THE EMPLOYMENT AGREEMENT, DAVID ANDREWS BE APPOINTED AS THE TOWN'S NEXT TOWN MANAGER, EFFECTIVE MARCH 15, 2012. VOTE: AFFIRMATIVE ALL

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#### **HIGH STREET SIDEWALK PETITION**

Vijay Sivaraman, a resident of 100 B High Street, presented a petition requesting sidewalks along High Street. The petition was signed by various residents of High Street.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN SLADE TO FORWARD THIS ITEM TO STAFF FOR A REPORT BACK ON THIS ITEM. VOTE: AFFIRMATIVE ALL.

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#### **COMMUNITY HOME TRUST**

Anita Badrock, representing Community Home Trust, presented a petition to the Board asking for the Board to consider the following three items:

- 1) Amending the Land Use Ordinance so that two of the designated affordable homes in the Ballentine subdivision can be sold to buyers whose income is higher than 80 percent of the Area Median Income (to be completed before the end of March)
- 2) Allowing the developer of the Ballentine subdivision to make a reasonable payment in lieu for the final two townhomes that will be part of a mixed building of market rate and affordable townhomes (June 30, 2012 is the requested date for completion).
- 3) Modifying the performance scheduled for the pace of completing the second phase of affordable housing components of the development (June 30, 2012 is the requested date for completion).

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN FOR STAFF TO ATTEMPT TO OBTAIN A WAIVER FROM ORANGE COUNTY AND ATTEMPT TO SCHEDULE THE PUBLIC HEARING FOR FEBRUARY 28<sup>TH</sup>, 2012. IF STAFF IS UNABLE TO OBTAIN THE WAIVER FROM ORANGE COUNTY THEN THE PUBLIC HEARING SHALL BE SCHEDULED FOR MARCH 20, 2012. WHEN THE ITEM IS RETURNED TO THE BOARD, STAFF SHOULD PROVIDE A REPORT ON ALL THREE REQUESTS FROM THE COMMUNITY HOME TRUST. VOTE: AFFIRMATIVE ALL.

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#### **CHARGES ISSUED**

The Town Clerk issued charges to the following Greenways Commissioners: Damon Seils, Mary Sonis, Eric Allman, Gary Junker, Johnny Randall, Robert Kirschner, and Marc Desormeau.

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#### **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO APPROVE THE MINUTES OF JANUARY 17, 23, AND 24 2012. VOTE: AFFIRMATIVE ALL.

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#### A REQUEST TO ISSUE PERMITS FOR THE KIDNEY KARE 5K RUN/WALK

The purpose of this item was to a consider a Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets to accommodate the Kidney Kare 5K Run/Walk on Saturday March 17, 2012 from 8:20 AM to 9:45 AM.

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

## A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE KIDNEY KARE 5K RUN/WALK Resolution No. 79/2011-12

Section 1. The following streets shall be temporarily closed and used Saturday, March, 17 2012 from 8:20 am to 9:45 am to accommodate the Kidney Kare 5K Run/Walk:

Start and Finish on McDougle Southeast Drive

Right on Hillsborough Rd (Stay on Hillsborough Rd through the N Greensboro St split)

Right on High St

Right on *Main St* (stay in bike lane)

Right on James St

Left on *Hillsborough Rd* (stay in bike lane)

Left on McDougle Southeast Drive

- 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, of the contents of any resolution passed.
- Section 7. Applicant will be responsible for all costs incurred by the 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 8. 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 7th day of February 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

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### REQUEST TO ISSUE 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 the Street Closing Permit Applications submitted by Cardinal Track Club for the following three annual road races: Four on the Fourth Road Race, Carrboro 10K Road Race, and the Gallop and Gorge 8K Road Race.

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

### 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. 80/2011-12

Section 1. The following streets shall be temporarily closed Wednesday, July 4, 2012 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. Favetteville Rd.
- 8. Finish at McDougle Middle School

The following streets shall be temporarily closed on Saturday, October 6, 2012 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 22, 2012 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 7th day of February 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

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#### REQUEST TO CANCEL THE FEBRUARY 14, 2012 BOARD OF ALDERMEN WORK SESSION

Town staff requests that the Board of Aldermen consider canceling the February 14, 2012 work session.

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

A RESOLUTION CANCELING THE FEBRUARY 14, 2012 BOARD OF ALDERMEN WORK SESSION Resolution No. 84/2011-12

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

Section 1: The Board of Aldermen hereby cancels its work session scheduled for February 14, 2012.

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 7th day of February 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

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#### REPORT FROM NCDOT ON SMITH LEVEL ROAD PROJECT (U-2803)

Staff of the North Carolina Department of Transportation provided a report/presentation on the project.

Mike Mills, a representative of NCDOT, made the presentation and answered questions from the Board. He discussed changes to the plans that have occurred since the last public hearing. After discussion and questioning from the Board of Aldermen and citizens, he stated that NCDOT will look into the following items:

- 1. If the walls in the Berryhill subdivision may be relocated after the construction.
- 2. The concern of inadequate school zone markings/signs on Smith Level Road.
- 3. The easement impact on Phyllis Holt's townhome and possible adjustment.
- 4. The aerial utility easement at the Enclave that will impact the view shed. NCDOT will also review plans with the landscaping crew to determine if the Magnolia tree can be saved.
- 5. NCDOT will work with the Board to determine the design for landscaping improvements along Smith Level Road once the project is completed.
- 6. NCDOT will provide the results of the past and future studies concerning traffic flow through the Berryhill neighborhood.
- 7. A possible easement reduction along the line of sight on BPW Club Road to preserve as many trees as possible.

He also explained that due to several safety factors, a traffic light or a round-a-bout at the intersection of Willow Oak Lane will not meet the NCDOT's safety requirements. He also explained that there is already a light at BPW Club Road and placing another signal at Willow Oak is too close.

John Nigro, a representative of NCDOT, responded to questions related to signage in the Berryhill Subdivision.

Jason Henning, a resident of 1074 Juniper Court in the Berryhill Community, thanked the DOT for the efforts that they have made. He stated that he was told of the aerial utility easement in his backyard as the land acquisition agent was leaving. He asked that the Board and citizens continue to challenge NCDOT.

Robin Langdon, a resident of 105 Gateridge Place, stated that she would like DOT to provide more information about what will occur within the easements that are shown. She noted that this project is talking about easements that deal with people's property and homes and asked that everyone remember that when they speak of them.

Anil Peres-Da-Silva, a resident of 803 Manor Ridge Dr., asked the Board to consider if the project and the taking of the right-of-ways is the right thing to do. He also asked if it is right to take away the left turn ingress and egress even when there are bus stops on both sides of Smith Level Road. He stated that the elementary school is the only school in Carrboro that does not have traffic lights within ¼ of a mile. He stated that this project is not what he signed up for.

Bob Susick, a resident of 100C Teal Place, thanked the DOT for their work so far and asked the DOT to provide some relief to the corner of 100 Culbreth Road (Phyllis Holt property) in regards to the permanent utility easement. He stated that the easement comes to within sixteen feet of the home and will require the removal of greenery that currently shields the property from the road.

Gregory Dito, a resident of 103 River Creek Place, thanked the DOT for their work thus far. He asked the DOT what the plan is for the school zone marking for Frank Porter Graham Elementary School. He stated that it is currently one of the shortest school zones in the district. He noted that there are also no school zone related speed limit signs or markings posted from the N. Greensboro St. approach. He also suggested a left-hand turn into Willow Oak.

Carrboro Board of Aldermen Page 6 February 7, 2012

Jacquelyn Muehlbauer, a resident of 511 Smith Level Road and a representative of the Enclave Community, asked for the utilities to be buried so there are no aerial utilities. She stated that, based on estimates, it will cost her around \$24,000-40,000 to replace the current naturally vegetated view shed that will have to be removed during the construction. The easements will also require that a Magnolia tree be removed. She stated that a stake showing the location of a guy easement, next to one of the units, has been removed. She asked for clarification on whether the easement has actually been removed.

Phyllis Holt, a resident of 100 Culbreth Road in the Teal Place Community, showed the Board a picture of her house and the stake that marks the proposed right-of-way of NCDOT. The stake is 35 feet from her home. She stated that she is concerned about the impact the right-of-way will have on the resale value of her home. She also explained that because she does not own the land, she will not be reimbursed for the taking.

Frances Smith suggested that NCDOT consider a proposal that will allow a left turn lane into Willow Oak Lane.

Alderman Gist asked NCDOT to look into the traffic and safety impact that the "no left turn" option will have on the Manor Ridge community.

Alderman Coleman asked NCDOT to remind the right-of-way acquisition agents that they are dealing with people's property and that there are more than just the monetary values to consider during the discussions.

Alderman Haven-O'Donnell requested that NCDOT consider adding landscape improvements and screenings once the project is completed.

Alderman Gist asked if a traffic impact and safety assessment has been completed throughout the Berryhill subdivision that depicts the vehicle trips that will occur through the neighborhood, to BPW Club Road, once a left-turn is not allowed from Willow Oak onto Smith Level Road. She stated that she thinks a study is necessary in order to prove that the "no left turn" option is truly the safest design for the Berryhill residents.

Alderman Slade asked if the easement can be reduced along the line of sight on BPW Club Road. He also asked about the burying of utilities. Mr. Mills explained that OWASA has requested that the easements be located above ground and they are paying for 1/3 of the costs related to moving those lines.

Alderman Johnson asked about why there is not a left-turn allowed at Willow Oak Lane.

Frances Smith, a resident of the Berryhill Community, stated that there have been no accidents on Smith Level Road at the intersection of Willow Oak Lane. He asked why the current ingress and egress has to change and why a traffic light will not work.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Haven-O'Donnell:

# A RESOLUTION ACCEPTING THE REPORT FROM THE NCDOT ON SMITH LEVEL ROAD PROJECT (U-2803) Resolution No. 85/2011-12

WHEREAS, the Town of Carrboro is an active participant in the review of regional transportation policy, and;

WHEREAS, the Town has been seeking transportation improvements, consistent with watershed protection, housing diversity and transportation choices in relation to Smith Level Road for many years, and;

WHEREAS, the North Carolina Department of Transportation (NCDOT), has prepared a revised plan for improvements along Smith Level Road; and

WHEREAS, the Board of Aldermen requested an update from NCDOT on the Smith Level Road Project (U-2803).

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

1. Accepts the report.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 7th day of February 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

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#### **DISCUSSION OF ADVISORY BOARD APPOINTMENTS**

The Mayor and Board of Aldermen rescheduled this item for February 21, 2012.

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#### UPDATE CRITERIA FOR THE BUSINESS REVOLVING LOAN FUND AND APPLICATION FORM

The Mayor and Board of Aldermen rescheduled this item for February 21, 2012.

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#### **COMMENTS FROM THE MAYOR**

Mayor Chilton thanked Matt Efird for his job as the Interim Town Manager. He also applauded Mr. Efird and the Carrboro Police Department for their work during the event at the corner of Weaver and N. Greensboro Streets.

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#### <u>STAFF REPORT – BALDWIN PARK GARDEN EXPANSION PROPOSAL</u>

The purpose of this item was for the Board of Aldermen to review the Baldwin Park Garden proposals and staff report and establish whether the gardeners could move forward with the garden expansion proposal, rain catchment plan and signage request.

Mathieu Campbell, a representative from the Baldwin Park Garden Committee, made a presentation to the Board and requested changes to the staff proposal.

Mayor Chilton asked Town Staff, pending approval of the drainage system, to incorporate a provision for the Town to take immediate action if the drainage system attracts mosquitos into the agreement with the Baldwin Park Gardeners.

Robert Kirschner, a citizen, stated that the pipe should have an emptying system.

Alderman Slade asked several questions pertaining to staff's suggestion of a licensed contractor and engineer to certify and complete the work.

George Seiz, the Town's Public Works Director, answered questions and made suggestions regarding the proposed water catchment design and construction. He noted that the volunteers are not covered under the Town's Workers' Compensation insurance.

Matt Efird commented that if the cistern is located next to the shed the concern related to the catchment plan would be mostly eliminated.

Trish McGuire, the Town's Planning Director, answered questions related to the stream buffer and requirements near the garden. She made suggestions related to the location of the cistern and shed. Anita Jones-McNair, the Town's Recreation and Parks Director, explained that the Nourishing North Carolina One Garden At-a-Time grant could be used for costs related to signage.

[Alderman Coleman left the meeting at 11:35p.m.]

A garden representative (name not given), stated that the gardeners are willing to negotiate on their requests.

Mayor Chilton suggested that members of the Board meet with Recreation and Parks staff at Baldwin Park to tour the garden.

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN GIST TO GRANT A THIRTY FOOT EXPANSION TO THE NORTH END OF THE GARDEN AND FOR THE REMAINING ITEMS BE CONSIDERED ON FEBRUARY 21, 2012 AT THE BEGINNING OF THE MEETING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

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#### REPORT ON LOCATING A TRIANGLE TRANSIT STOP ON W. MAIN STREET

This item was postponed until the February 28<sup>th</sup>, 2012 meeting.

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#### **LIBRARY SUBCOMMITTEE REPORT**

Alderman Lavelle asked for a discussion of the library criteria during the February 21<sup>st</sup> meeting.

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#### ROGERS ROAD COMMITTEE APPOINTMENTS

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPOINT ALDERMAN JOHNSON TO THE ROGERS ROAD COMMITTEE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

MOTION WAS MADE BY ALDERMAN JOHNSON AND SECONDED BY ALDERMAN LAVELLE TO APPOINT ALDERMAN SLADE TO THE ROGERS ROAD COMMITTEE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

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### MOTION WAS MADE BY ALDERMAN JOHNSON AND SECONDED BY ALDERMAN LAVELLE TO ADJOURN THE MEETING AT 11:47 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

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		Mayor
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Town Clerk	<del></del>	