

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 6, 2012 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Lydia Lavelle
	Randee Haven-O'Donnell
	Michelle Johnson
	Sammy Slade
Interim Town Manager	C. Matthew Efirid
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

Absent:

Alderman	Jacquelyn Gist
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CHARGES ISSUED

The Town Clerk issued charges to the following recent appointees to the Town's Advisory Boards:

- 1) Clara Jackson – Arts Committee
- 2) Sarah Blacklin - Economic Sustainability Commission
- 3) Christopher Butler – Economic Sustainability Commission
- 4) Daniel Graubman – Human Services Advisory Commission
- 5) Cassandra Hayne – Recreation and Parks Commission
- 6) Victoria deNay – Recreation and Parks Commission
- 7) Braxton Foushee – Planning Board
- 8) Adam Schaefer – Planning Board.

A RESOLUTION SUPPORTING EARTH HOUR

The purpose of this item was to present a resolution supporting Earth Hour for the Board's consideration.

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

A RESOLUTION SUPPORTING EARTH HOUR
Resolution No.93/2011-2012

WHEREAS, March 31st, 2012, 8:30 PM has been designated as "Earth Hour" by the World Wildlife Fund as a reminder that, by working together, people can make a positive impact against climate change;

WHEREAS, cities and states across the country and around the world are joining with Carrboro to raise awareness and demonstrate commitment to addressing climate change by supporting "Earth Hour," and;

WHEREAS, "Earth Hour" involves something quite simple:—turning off lights for one hour;

WHEREAS, "Earth Hour" is the largest event of its kind in the world;

WHEREAS, Carrboro has joined Cities for Climate Protection, and is committed to reducing greenhouse emissions;

WHEREAS, the Board of Aldermen adopted a climate protection resolution in December, 2009;

THEREFORE, the Carrboro Board of Aldermen do hereby proclaim Saturday, March 31, 2012 from 8:30 – 9:30 p.m. as “Earth Hour” in Carrboro and call upon all residents and businesses of Carrboro to join in supporting the aims and goals of this effort.

FURTHERMORE, the Carrboro Board of Aldermen do hereby direct staff to send out a public service announcement to publicize “Earth Hour”.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of March 2012:

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

Noes: None

Absent or Excused: Jacquelyn Gist

A RESOLUTION ON HYDRAULIC FRACTURING IN NORTH CAROLINA

The purpose of this agenda item was for the Board to consider a resolution on hydraulic fracturing in North Carolina.

Lucy Lewis, a resident of 119 Oak Street, spoke to the Board about the negative environmental impacts of hydraulic fracturing. She asked the Board to pass the strongest possible resolution in opposition to hydraulic fracturing.

Donna Wilder, a resident of Carrboro, asked the Board to adopt the resolution. She stated that a number of municipalities in North Carolina have adopted similar resolutions.

John Wagner, a resident of Carrboro, expressed concern with hydraulic fracturing due to the negative impacts on the environment. He stated that the effects will be long-term and be felt by generations for years to come.

The following resolution was introduced by Alderman Slade and seconded by Alderman Haven-O’Donnell:

Carrboro Resolution on Hydraulic Fracturing in North Carolina Resolution No. 95/2011-12

WHEREAS, hydraulic fracturing, or “fracking,” is a method of extracting natural gas that involves injecting, at an extremely high pressure, a mixture of water, sand, and a cocktail of proprietary (and unknown) toxic chemicals to break up shale or other rock formations otherwise impermeable to the flow of gas; and

WHEREAS, North Carolina does not currently allow either horizontal drilling or hydraulic fracturing, and the current North Carolina study of in-state shale gas resources and of the potential impacts of reversing this ban and allowing drilling and fracking to extract these resources is being undertaken without adequate funding and with insufficient time; and

WHEREAS, the Deep River Basin, which includes areas under Jordan Lake, in explored areas has been identified as containing underground deposits of natural gas; and

WHEREAS, Jordan Lake water is becoming more significant for Triangle area jurisdictions' planning; and

WHEREAS OWASA, the entity responsible for supplying water for most of Carrboro, has a water supply allocation for Jordan Lake water that serves as an "insurance policy" for future conditions of extreme drought; and

WHEREAS, millions of gallons of fresh water are used to drill and to hydraulically fracture each shale gas well, and such development would exacerbate water shortages such as those that have stemmed from North Carolina's recent severe droughts; and

WHEREAS, the 2005 federal Energy Act exempts the regulation of the underground injection of hydraulic fracturing fluid under the Safe Drinking Water Act (the "Halliburton Loophole"), and the Resource Conservation and Recovery Act exempts the regulation of potentially radioactive drilling waste and hydraulic fracturing wastewater as hazardous waste or hazardous material; and

WHEREAS, the wastewater produced from hydraulic fracturing includes carcinogenic, corrosive, and/or toxic salts, metals, petrochemicals and radioactive elements; and

WHEREAS, there are currently no viable options for the disposal of toxic hydraulic fracturing wastewater, and North Carolina's wastewater treatment plants are not equipped to handle the extreme and highly-variable contaminant loads of hydraulic fracturing wastewater; and

WHEREAS, disposal of hydraulic fracturing wastewater by high pressure underground injection can potentially cause seismic activity; and

WHEREAS, the Shearon Harris nuclear power plant sits on the Jonesboro Fault, and Carrboro is located thirty miles away from the Shearon Harris nuclear power plant; and

WHEREAS, negative environmental and public health impacts related to hydraulic fracturing have been documented in other states, including the contamination of drinking water wells, the contamination of surface waters, and the degradation of air quality; and

WHEREAS, oil and natural gas companies have aggressively pursued predatory leases from farmers and other landowners in the Deep River basin for oil and gas rights, and included in these contracts unfavorable terms that allow companies to access a landowner's supply water for drilling activities, build storage ponds for toxic wastes on the landowner's property, and place liability for environmental damage, noise, and light pollution on the landowner; and

WHEREAS, hydraulic fracturing can industrialize both rural and urban areas with drilling rigs, new roads, containment ponds, new pipelines, and other infrastructure, with incumbent air, water, and noise pollution that can be detrimental to health, property values and future economic growth; and

WHEREAS, the long-term economic impact from the boom and bust cycle of extractive industries, such as shale gas development, can result in a legacy of decreased economic diversity, increased income disparity and environmental pollution; and

WHEREAS, drilling and fracking for shale gas could bring a significant increase in heavy-duty truck traffic, causing traffic congestion and accelerated road damage in and around Carrboro; and

WHEREAS, the Town of Carrboro is committed to mitigating climate change to the degree necessary to sustain a livable future; yet, energy generated from shale gas may be as bad or worse in causing climate change than energy generated from burning coal because shale gas production and distribution results in the release of significant amounts of methane, a greenhouse gas twenty times more potent than CO₂; and

WHEREAS, Section 5 of the North Carolina Constitution states that “It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions . . . to control and limit the pollution of our air and water . . . and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty”;

NOW, THEREFORE BE IT RESOLVED, the Town Carrboro, urges the North Carolina General Assembly to maintain current laws in North Carolina that prevent hydraulic fracturing and horizontal drilling in the State and to take no action that would weaken these laws before it is fully demonstrated that North Carolina public health, waters, land, air, economy, and quality of life will be guaranteed protection from the impacts of allowing shale gas development in the state.

BE IT FURTHER RESOLVED the Town of Carrboro solicits and invites the general public to give input on any further negative direct effects hydraulic fracturing may cause to the town of Carrboro.

BE IT FURTHER RESOLVED the Town of Carrboro will regulate through zoning and/or ordinance any negative direct effects on Carrboro stemming from the hydraulic fracturing industry, to the extent it is authorized to do so.

BE IT FURTHER RESOLVED the Town of Carrboro requests that the North Carolina Utilities Commission not approve of further natural gas energy generation capacity and requests for rate-hikes to fund these projects in North Carolina.

BE IT FURTHER RESOLVED Carrboro stands in solidarity with communities who live downwind and downstream of hydraulic fracturing activities, with communities whose water supply and groundwater may be affected, with communities that may suffer long-term social and economic impacts from hydraulic fracturing and with communities who have already been affected by predatory leasing.

BE IT FURTHER RESOLVED the Town of Carrboro calls upon all other municipal and county governing bodies of North Carolina and OWASA to pass similar resolutions to this one and that the League of Municipalities and Triangle J Council of Governments join in on the effort.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of March 2012:

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

Noes: None

Absent or Excused: Jacquelyn Gist

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF FEBRUARY 21 AND 28, 2012. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

PRESENTATION OF THE DRAFT OAK-POPLAR NEIGHBORHOOD TRAFFIC CIRCULATION STUDY AND WEST MAIN STREET ROAD DIET STUDY

The Board of Aldermen received a presentation on the West Main Street Road Diet and Pavement Marking Study and the Oak-Poplar Neighborhood Traffic Circulation Study.

Jody Lewis and Miller Cochran, representatives from Martin/Alexiou/Bryson, made the presentation to the Board. It was noted that the West Main Street mid-block crosswalk and refuge islands may be considered in the future.

Mayor Chilton suggested that Oak Avenue have a one-way configuration. He also suggested using striping to designate a pedestrian and bike path along Oak Street. At the entrance from Shelton Street to Hillsborough Rd., there are currently two left turn lanes, which the study noted as confusing. He suggested adding a striped line that will direct traffic to merge left into only one left turn lane.

Alderman Coleman suggested lowering the speed limit of Oak Avenue to 10 to 15 MPH, making it more like a "European Street", and making it safer for all users.

Alderman Slade suggested that Oak Avenue be one-way northbound north of Shelton Street and one-way southbound south of Shelton Street.

Alderman Haven-O'Donnell suggested a sidewalk on Oak Avenue, if possible.

Celia Pearce, a resident of 307 Oak Avenue, stated that she agrees with the suggestion of making Oak a one-way street. She asked the Board to study this option and to gather further public input.

Jeff Brubaker, the Town's Transportation Planner, stated that the fire code standards would have to be addressed if sidewalks were added to Oak Avenue.

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

A RESOLUTION RECEIVING A PRESENTATION ON A TRANSPORTATION STUDY OF THE OAK-
POPLAR NEIGHBORHOOD AND WEST MAIN STREET AND SETTING A PUBLIC HEARING
Resolution No. 91/2011-12

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

WHEREAS, the Carrboro Downtown Traffic Circulation Study (2005) and Carrboro Comprehensive Bicycle Transportation Plan (2009) recommend road diet concepts for the four-lane section of West Main Street; and,

WHEREAS, on February 8, 2011, the Board of Aldermen adopted a resolution directing Town staff to draft a letter to NCDOT conveying interest in the road diet concept and directing that an associated traffic and safety analysis be completed; and,

WHEREAS, on September 16, 2008, the Board of Aldermen adopted a resolution directing staff to organize a neighborhood meeting to discuss traffic management in the Oak-Poplar neighborhood, bounded by N. Greensboro St., W. Main St., Weaver St., and Carrboro Elementary; and,

WHEREAS, through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, the consulting firm Martin/Alexiou/Bryson was procured to conduct the road diet analysis and neighborhood traffic study; and,

WHEREAS, a draft report has been prepared that includes both studies;

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

1. The Board of Aldermen receives the presentation of the draft West Main Street Road Diet and Pavement Marking Study and the Oak-Poplar Neighborhood Traffic Circulation Study (the “draft report”).
2. A public hearing on the draft report is set for Tuesday, March 27, 2012.
3. The draft report is referred to the Transportation Advisory Board (TAB) for review.
4. Board of Aldermen comments are referred to the TAB for inclusion in their review.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of March 2012:

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

Noes: None

Absent or Excused: Jacquelyn Gist

BOARD OF ALDERMEN LIBRARY SUBCOMMITTEE – STATUS UPDATE AND REPORT

The Board received an update from the Board’s Library Subcommittee and discussed the library siting criteria.

Nerys Levy, representing the Friends of the Carrboro Library, stated that by the time the library is built, more than 51% of the population will be considered seniors. The library will provide technology for those that cannot afford it. She asked the Board for their continued support in the siting of the library.

Alderman Lavelle suggested that the County have a time specified “call for properties” to help establish a list of possible library locations.

Alderman Coleman suggested that the criteria for “potential growth and development” be amended to read “potential growth and development as indicated by adopted plans.”

MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL AND SECONDED BY ALDERMAN COLEMAN FOR THE COUNTY TO HAVE A TIME-SPECIFIED CALL FOR PROPERTIES TO HELP ESTABLISH A LIST OF POSSIBLE LIBRARY LOCATIONS AND THAT THE LIBRARY SITING CRITERIA DOCUMENT, UNDER THE HEADING “CENTRALITY,” BE AMENDED TO READ “POTENTIAL GROWTH AND DEVELOPMENT AS INDICATED BY ADOPTED PLANS.” THE REVISED LIBRARY SITING CRITERIA DOCUMENT, ALONG WITH THE LANGUAGE OF THIS MOTION, SHALL BE FORWARDED TO THE COUNTY AS SOON AS POSSIBLE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

Matt Efird, the Interim Town Manager, noted several concerns related to the possible use of Town Hall as a co-location for the library.

Alderman Coleman stated that if the renovation costs for the Town Hall building are less than the costs for the purchase of land and construction of a new building, that the Town Hall location may be a win-win location.

Trish McGuire, the Town's Planning Director, spoke to the Board about issues related to the possible co-location of the library at Town Hall.

A RESOLUTION RESCHEDULING THE PUBLIC HEARING FOR 201 N. GREENSBORO STREET

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED 201 N. GREENSBORO STREET
CONDITIONAL USE DISTRICT REZONING/CONDITIONAL USE PERMIT
Resolution No. 102/2011-12

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on both proposed rezoning applications and proposed conditional use permit projects; and

WHEREAS, an application has been received for a Conditional Use District Rezoning/Conditional Use Permit for the properties known collectively as 201 N. Greensboro Street; and

WHEREAS, on February 21, 2012 the Carrboro Board of Aldermen called a public hearing for March 27, 2012 to consider the applications for 201 N. Greensboro Street; and

WHEREAS, the applicant has formally requested that the date of the public hearing be rescheduled to April 17, 2012.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen hereby cancel the March 27, 2012 public hearing for 201 N. Greensboro Street, and hereby call a public hearing on April 17, 2012 for the 201 N. Greensboro Street project.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of March 2012:

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

Noes: None

Absent or Excused: Jacquelyn Gist

SAVETY IMPROVEMENTS ON JONES FERRY ROAD

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO SCHEDULE A PUBLIC HEARING FOR PROPOSED SAFETY IMPROVEMENTS ALONG JONES FERRY ROAD FOR MARCH 27, 2012. VOTE: AFFIRMATIVE SIX, ABSENT (ONE) GIST

Mayor Chilton suggested that the Jones Ferry and Davie Jones intersection stakeholders be notified of the public hearing via email. He also asked that David Iberclad, who maintains a communication network at Abbey Court, be notified and asked if he can send a text message to his list serve. Mayor Chilton also asked that translation equipment be made available during the public hearing.

Alderman Slade asked that the notice be published in a local paper that is produced in Spanish, if possible.

COUNTY REVALUATION CONCERNS

The Board advised Matt Efird, Interim Town Manager, to schedule a presentation for either March 27th or April 3rd from the County's Tax Assessor.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN TO ENTER INTO A CLOSED SESSION FOR MATTERS INVOLVING ATTORNEY CLIENT PRIVILEGE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:09 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

Mayor

Town Clerk