

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 13, 2012 in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Alderman	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Michelle Johnson
	Sammy Slade
Town Manager	David Andrews
Town Clerk	Catherine C. Wilson
Town Attorney	Mike Brough

PROCLAMATION

Mayor Chilton proclaimed the month of November as "Pancreatic Cancer Awareness Month" in Carrboro. He presented Jeff Brubaker with a signed copy of the proclamation.

CHAPEL HILL TRANSIT BUS ADVERTISING POLICY

Peggy Misch, a resident of 109A Mulberry Street, asked the Board for more information regarding the public forum aspect for the Chapel Hill bus transit advertising policy.

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

Whereas, a constitutional right to freedom of speech is meaningless without forums within which to exercise it, and;

Whereas, public forums are being diminished in the United States as a result of privatization and increasingly restrictive policies at all levels of government, and;

Whereas, the Town of Carrboro has a long tradition of broadly supporting the opportunity for and exercise of free public discourse.

NOW, THEREFORE, THE CARRBORO BOARD OF ALDERMEN affirms its support for policies that create a public forum and support the exercise of First Amendment rights within the Chapel Hill Transit System.

Motion was made by Alderman Slade and seconded by Alderman Gist to amend the resolution to add, "Whereas, commercial speech already had many advantages over noncommercial speech." Vote: Affirmative two, Negative five (Coleman, Lavelle, Chilton, Johnson, Haven-O'Donnell)

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

CHARGES ISSUED

The Town Clerk issued charges to Eve Barkley, a member of the Arts Committee, Melissa Kim, a member of the Transportation Advisory Board, and Catherine Adamson, a member of the Planning Board.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO APPROVE THE MINUTES OF OCTOBER 16, 2012. VOTE: AFFIRMATIVE ALL

A REQUEST TO AUTHORIZE THE WAIVER OF THE BIDDING PROCEDURES AND PURCHASE OF A FRONT LOADER REFUSE TRUCK

The purpose of this agenda item was to request authorization for a piggyback purchase of a front loader refuse truck.. The Board was requested to waive the formal bidding requirements and use the piggybacking purchase method allowed by N. C. General Statutes 143-129(g).

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

RESOLUTION TO WAIVE BIDDING REQUIREMENTS AND AUTHORIZE
PIGGYBACK PURCHASE
OF A FRONT LOADER REFUSE TRUCK
Resolution No. 27/2012-13

BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro hereby:

Section 1: Authorizes a waiver of the bidding procedures of North Carolina General Statute 143-129(g); and,

Section 2: Authorizes the Town staff to enter into a purchase contract for a front loader refuse truck with Advantage Truck Center in the amount of \$231,000.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

AMENDMENTS TO THE 2013 BOARD OF ALDERMEN MEETING SCHEDULE

The purpose of this item was to amend the Board of Aldermen's 2013 meeting schedule.

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

A RESOLUTION AMENDING THE 2013 BOARD OF ALDERMEN MEETING
SCHEDULE
Resolution No. 28/2012-13

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

- 1) The January 2013 meeting schedule is amended as follows:
 - 1) Regular Meeting - January 15th
 - 2) Work session/Combined Regular Meeting - January 22nd
 - 3) Public Hearing - January 29th
- 2) The March 26, 2013 Public Hearing is cancelled.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

A RESOLUTION APPROVING A PARTNERSHIP WITH THE ARTSCENTER TO APPLY FOR A NATIONAL ENDOWMENT OF THE ARTS “OUR TOWN” GRANT FOR CULTURAL PLANNING AND DESIGN

The purpose of this agenda item was for the Board of Aldermen to consider approving the Town of Carrboro to partner with the ArtsCenter to apply for NEA “Our Town” Grant Funds.

Alderman Gist asked the Town Clerk to distribute the publication entitled, “How Art Works” to the Board.

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

RESOLUTION FOR THE TOWN OF CARRBORO TO PARTNER WITH THE ARTS CENTER AND APPLY FOR AN NEA “OUR TOWN” GRANT FOR THE PURPOSE OF DEVELOPING AND DESIGN WORK FOR A CULTURAL ARTS DISTRICT

Resolution No. 30/2012-13

WHEREAS, for nearly 40 years, The ArtsCenter has served the artistic and cultural needs of Carrboro, and the surrounding area, and

WHEREAS, the ArtsCenter regularly offers classes for all ages in a vast array of creative endeavors, gallery exhibitions, concerts, films, summer arts camps, afterschool art programs, theatrical productions, 81 school shows, and arts in education, and

WHEREAS, The ArtsCenter serves more than 60,000 annually and is a major catalyst for the Arts in Carrboro, and

WHEREAS, Carrboro has transformed itself from a cotton mill town of 5,100 into a densely populated thriving Town of almost 20,000 with a vibrant arts and entertainment community, and

WHEREAS, Carrboro’s creative economy ranges from acclaimed rock club Cat’s Cradle to DSI Comedy Theatre to WCOM community radio to art galleries, restaurants, and many other renowned cultural, arts, and entertainment venues, and

WHEREAS, To enhance Carrboro's reputation as an arts city, stimulate the growth of its creative economy, and ensure access to the arts for all its citizens, the Town of Carrboro and The ArtsCenter propose to lead a partnership to develop a Cultural Arts and Entertainment Plan and establish a Cultural Arts and Entertainment District, and

WHEREAS, the National Endowment of the Arts has a granting opportunity known as “Our Town” that would allow the Town and the ArtsCenter to realize this goal of developing a Cultural Arts and Entertainment Plan and to establish a Cultural Arts and Entertainment District, and

WHEREAS, these actions are consistent with the recommendations of previous Carrboro plans including the Local Living Economy Task Force Recommendations and the RTS study, Creating Carrboro’s Economic Future.

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen agree to partner with the ArtsCenter as a lead agency in the application for the NEA “Our Town” grant. In addition, the Board of Aldermen support local match funding up to \$40,000 that may be a combination of private and public funds.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

RECOMMENDATIONS FOR CHANGES TO THE CARRBORO WISE PROGRAM DESIGN

The purpose of this memo was to provide information about proposed programmatic changes to the Carrboro WISE (Worthwhile Investments Save Energy) energy efficiency incentive program. These changes would impact both the single-family residential and the multifamily pilot programs.

The following resolution was introduced by Alderman Johnson and seconded by Alderman Slade:

**A RESOLUTION APPROVING CHANGES TO THE CARRBORO WISE ENERGY EFFICIENCY PROGRAM
Resolution No. 31/2012-13**

WHEREAS, The Board of Aldermen has received an update regarding the current status of the Carrboro WISE Energy Efficiency program; and

WHEREAS, Town Staff and Carrboro WISE Program staff have made recommendations regarding changes to the program design; and

WHEREAS, the recommended changes include expanding the Carrboro WISE Program to include non-owner occupied single family housing, increasing the incentive level from \$1500 to \$2000 per project and fully funding energy assessments for properties that move forward, and reallocating the current program budget to provide additional funds for program administration and marketing.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen approves revising the WISE program design as recommended. Staff is directed to look into partnering with Orange County to extend the program design into the Town’s ETJ.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE ORANGE COUNTY HUMAN SERVICES COMMISSION

The purpose of this agenda item was for the Mayor and Board of Aldermen to consider recommending that Matthew Prentice be appointed as one of the Town of Carrboro's representatives on the Orange County Human Services Commission.

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

**A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE ORANGE COUNTY HUMAN SERVICES COMMISSION
Resolution No. 34/2012-13**

WHEREAS, the Town of Carrboro has two seats on the Orange County Human Services Commission; and

WHEREAS, Matthew Prentice has submitted an application expressing interest in serving as a Carrboro representative on the Orange County Human Services Commission.

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

Section 1. The Board of Aldermen hereby recommends that the Orange County Board of Commissioners appoint Matthew Prentice as a Carrboro representative on the Orange County Human Services Commission.

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 13th day of November 2012:

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

Noes: None

Absent or Excused: None

**REQUEST TO SET A PUBLIC HEARING FOR 901 WEST MAIN STREET:
REZONING FROM R-10 TO B-1 (G)-CZ**

Jan Halle, of Gusanos and Worms, submitted a petition for change of zoning for property at 901 West Main Street, known as Johnny's Gone Fishing. Prior to reaching a decision on this request, the Board of Aldermen must receive public input.

Alderman Johnson asked the Town Manager to keep the Board informed on meetings between the applicant and the neighbors.

Alderman Gist asked that the Board revisit the mediation discussion during the spring of 2013.

Tina Sal dona, a neighbor of the property, stated that she is opposed to the rezoning and that she is not aware of any future meetings but that she is open to ongoing discussions with the applicant.

Devon Clark, a neighbor of the property, stated that he is also opposed to the rezoning but they are open to ongoing discussions with the applicant.

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

**A RESOLUTION CALLING A PUBLIC HEARING
FOR 901 WEST MAIN STREET REZONING
Resolution No. 29/2012-13**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, a petition for rezoning the 0.48-acre property from R-10 to B-1(G)-CZ has been received; and

WHEREAS, the Board of Aldermen must hold a public hearing on rezoning requests, and must also refer the rezoning petition for Planning Board review.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on January 29, 2012 to receive public comments and to consider the petition for rezoning.

BE IT FURTHER RESOLVED by the Board of Aldermen that the rezoning petition is hereby referred for review to the Planning Board, Economic Sustainability Commission, and the Transportation Advisory Board.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT STAFF BUDGET UP TO 2,000 FOR MEDIATION FACILITATION IN THE EVENT THAT THE PARTIES INVOLVED ARE UNABLE TO COME TO AN AGREEMENT BY JANUARY 2, 2013. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

CONTINUATION OF A PUBLIC HARING ON CUP MINOR MODIFICATION APPLICATION FOR MASTER SIGN PLAN FOR 300 EAST MAIN STREET PROJECT

The purpose of this item was for the Board of Aldermen to continue holding a public hearing on the matter of a Minor Modification to the Conditional Use Permit for the 300 East Main Street Project for a Master Sign Plan for Phase 1. Staff requested that the Board of Aldermen continue the public hearing, discuss and deliberate whether to approve the application, and consider adopting the attached resolution approving the Minor Modification to the Conditional Use Permit.

Martin Roupe, the Town's Zoning Administrator, was sworn in and made the presentation to the Board.

Woody Farmer, a representative of the project, was sworn in and made a presentation to the Board.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 300 EAST MAIN STREET PROJECT CONDITIONAL USE PERMIT FOR A MASTER SIGN PLAN FOR THE FIRST PHASE OF THE PROJECT AND APPROVING THE OFF-SITE MONUMENT SIGN ON BOYD STREET WITH THE PREMISE THAT A TEXT AMENDMENT TO ALLOW OFF SITE MONUMENT SIGNS WILL BE ADDRESSED IN THE NEAR FUTURE

Resolution No. 35/2012-13

WHEREAS, the Board of Aldermen approved a Conditional Use Permit for the 300 East Main project on September 30, 2008; and

WHEREAS, an application has been received in accordance with LUO Section 15-271(d) of the Land Use Ordinance for a Minor Modification to the CUP for a Master Sign Plan for the first phase of the 300 East Main Street Project; and

WHEREAS, staff has determined that the application includes information addressing the provisions of Section 15-271(d) for seeking approval of a Master Sign Plan; and

WHEREAS, the Board has considered the information, held a public hearing, and determined that the application is worthy of approval.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification for a Master Sign Permit for the first phase of the project is hereby approved. Further, the Board approves the off-site monument sign on Boyd Street with the premise that a text amendment to allow off-site monument signs will be addressed in the near future.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

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

Noes: None

Absent or Excused: None

REPORT FROM THE OWASA SUBCOMMITTEE

The purpose of this item was to allow the OWASA Subcommittee to provide a report to the Board of Aldermen.

Alderman Haven-O'Donnell, Alderman Lavelle, and Alderman Slade updated that Board on the findings of the OWASA Subcommittee.

Dana Stidham, the Board's representative on the OWASA Board of Directors, spoke to the Board of Aldermen regarding OWASA's pursuit of Level 1 allocation.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN FOR THE OWASA SUBCOMMITTEE TO CONTINUE THEIR WORK AND RESEARCH, SPECIFICALLY AS IT RELATES TO CONSERVATION AND THE POSSIBLE CHANGE OF STATE LAW RELATING TO EMERGENCY ACCESS TO JORDAN LAKE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE BOARD DOES NOT SUPPORT OWASA'S PURSUIT OF LEVEL 1 ALLOCATION. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (HAVEN-O'DONNELL, LAVELLE)

**DISCUSSION OF ENVIRONMENTAL ADVISORY BOARD (EAB)
RECOMMENDATIONS REGARDING SOLID WASTE**

The purpose of this item was to provide the Board of Alderman an opportunity to discuss recent recommendations by the Environmental Advisory Board (EAB) regarding solid waste issues.

MOTION WAS MADE BY ADLERMAN JOHNSON AND SECONDED BY ALDERMAN COLEMAN TO REFER THE ITEM BACK TO THE EAB AND INCLUDE ALDERMAN SLADE'S EMAILED RECOMMENDATIONS (EMAIL TEXT IS INCLUDED BELOW AND WILL BECOME A PART OF THE OFFICIAL MINUTES).
VOTE: AFFIRMATIVE ALL.

Dear All,

The information about PAYT systems that we are going by is from 2007. In 5 years a lot has changed. There are now ways to keep track of bins that are picked up by using rfid technology. This is technology [can be retrofitted](#) to existing containers and trucks can have the readers added to them. We could have a system like the city of [Grand Rapids](#) has implemented where people are charged per pick up. Personally, my experience has been because of recycling and composting that I would put the garbage out every three weeks.

I would like for town staff to research this alternative. Also, I would like for us to ask the county to look into this technology before they purchase their single stream bins as there are creative ways of encouraging more recycling such [as has been done in Philadelphia](#). We could also piggyback with them if they go down the route of buying carts and then retrofitting them.

Though it would be ideal, it is not clear to me (given the outdated information we have been going by) that we must do this necessarily in collaboration with Chapel Hill and/or Orange County. As a minimum we should contribute some research towards our changing trash future.

--Sammy

**REVIEW AND DISCUSSION OF THE HISTORIC ROGERS ROAD
NEIGHBORHOOD TASK FORCE RECOMMENDATIONS**

The purpose of this agenda item was to provide for Board of Aldermen to review and discuss the recommendations of the Historic Rogers Road Neighborhood Task Force (HRRNTF) and feedback from the Town Managers of Chapel Hill and Carrboro and the Orange County Manager.

David Andrews, the Town Manager, made the presentation to the Board.

Alderman Slade and Alderman Johnson also discussed the Taskforce recommendations with the Board.

Mike Brough, the Town Attorney, spoke to the Board about the establishment of a Sewer District. He also explained that statutorily, funds from the enterprise fund cannot be used for

the Community Center or the establishment of the Sewer District. He expressed concern with the suggested community center business model. He agreed to attend the next Rogers Road Neighborhood Task Force meeting.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:47 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk