

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 13, 1999 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

RESOLUTION SUPPORTING THE 1999 BLACK CULTURAL CENTER COMMUNITY WALK

Aaron Nelson, Coordinator of Local Relations for UNC at Chapel Hill, informed the Board of the upcoming Black Cultural Center Community Walk, taking place this Saturday, April 17th. Mr. Nelson asked for Board's endorsement of the community walk.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION SUPPORTING THE 1999 BLACK CULTURAL CENTER COMMUNITY WALK Resolution No. 31/98-99

WHEREAS, the Sonja Haynes Stone Black Cultural Center serves as a state-wide and community resource for information and dialogue about the history, culture and contributions of African Americans; and

WHEREAS, the Sonja Haynes Stone Black Cultural Center's Communiversity program benefits students and parents of the Chapel Hill-Carrboro City School system through literacy programs, homework assistance and Saturday School; and

WHEREAS, members of the community and campus have worked diligently to raise money to build a new home for the Sonja Hanes Stone Black Cultural Center, located on the campus of the University of North Carolina at Chapel Hill; and

WHEREAS, students, faculty, staff and members of the campus and greater community are to be commended for raising over \$4 million toward the building of a Black Cultural Center; and

WHEREAS, the students, faculty and staff of the University of North Carolina at Chapel Hill have joined with the larger Chapel Hill and Carrboro community to endorse the 1999 Black Cultural Center Community Walk on April 17, 1999.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARBORO hereby issues this statement of support for the 1999 Black Cultural Center Community Walk, a student led and community-supported event to raise funds and awareness for the Sonja Haynes Stone Black Cultural Center.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 13th day of April, 1999:

Ayes: Joal Hall Broun, Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

REQUEST FOR LAND USE ORDINANCE AMENDMENT TO ALLOW BED AND BREAKFAST INNS

Orlando Ursula stated that he and his wife are contemplating the purchase of the house located at 1500 N. Greensboro and would like to convert the house into a bed and breakfast inn. Mr. Ursula asked if the town feels this is an appropriate use in the town.

The Board asked for a staff report on this matter prior to the Board's summer break.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE MARCH 23, 1999 MINUTES WITH A REVISION TO PAGE 5. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/REGULATION OF GATES

The purpose of this item was to review the existing ordinance provisions associated with exclusionary walls, fences, and berms and determine whether gates should be included in the specified prohibition. Should the Board decide to set a public hearing to receive public comment on this proposed ordinance, a recommended date is May 25, 1999.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO SET A PUBLIC HEARING FOR MAY 25, 1999 AND THAT THE ORDINANCE BE REFERRED TO ADVISORY BOARDS AND ORANGE COUNTY FOR REVIEW. VOTE: AFFIRMATIVE ALL

SECOND QUARTER FINANCIAL REPORT

At the request of the Board of Aldermen, the Town Manager directed the Management Services Department to develop and prepare quarterly financial reports. Attached to this agenda item was the second quarter financial report (October-December, 1998) for the Board's review.

AWARD OF CONTRACT FOR 1998-99 AUDIT

The purpose of this item was to award the contract for the town's annual audit for the year ending June 30, 1999.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO AWARD THE CONTRACT TO DIXON, ODOM AND COMPANY FOR A TOTAL COST OF \$18,900 AND AUTHORIZE THE MAYOR TO SIGN THE ENGAGEMENT TO AUDIT CONTRACT. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO MILLENNIUM BOND STEERING COMMITTEE

The Mayor and Board of Aldermen considered making appointments to the Millennium Bond Steering Committee. The town has received applications from Jack Haggerty, Jeffrey Ottman, Stan Babiss and Lucy King. In addition, Tony Galiani and Stuart Brown, members of the Budget Review Committee, have expressed an interest in serving on the Millennium Bond Steering Committee.

Mayor Nelson pointed out that Jack Haggerty had expressed interest in serving on the 2020 Vision Committee rather than the Millennium Bond Steering Committee.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPOINT JEFFREY OTTMAN, STAN BABISS, LUCY KING, TONY GALIANI AND STUART BROWN TO THE MILLENNIUM BOND STEERING COMMITTEE. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO PLANNING BOARD AND RECREATION & PARKS COMMISSION

The Mayor and Board of Aldermen were requested to consider appointing Randee Haven-O'Donnell to an in-town seat on the Planning Board, and Alice Tropman to the Recreation and Parks Commission.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPOINT RANDEE HAVEN-O'DONNELL TO THE PLANNING BOARD AND ALICE TROPMAN TO THE RECREATION AND PARKS COMMISSION. VOTE: AFFIRMATIVE ALL

REPORT ON TOWN HALL DAY

The purpose of this agenda item was to inform the Mayor and Board of Aldermen about "Town Hall Day" and formally invite their participation in this special event.

This program will be held on two consecutive Tuesdays (tentatively May 11th and 18th). In the first session, participants will be introduced to Board members during an informal pizza party held prior to the regular Tuesday evening Board meeting. After the pizza party, the youth participants will discuss topics for their mock Board meeting and determine their assigned roles. In the second Tuesday session, there will be career

exploration and a mock Board meeting. Participating elected Board members and town staff will give brief career-oriented presentations. Board members will discuss why they chose to run for public office and how it relates to the youths, as well as any other pertinent topics. In addition, Board members may assist with the mock meeting.

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT REQUIRING CONSTRUCTION OF SMALLER HOUSES

The purpose of this item was to receive public comment on a proposed ordinance entitled, “An Ordinance Amending the Carrboro Land Use Ordinance to Require that at Least Forty Percent of the Single-Family Dwelling Units Within any Residential Subdivision Under a Special or Conditional Use Permit be 1,100 Square Feet or Less in Size.”

Trish McGuire, the town’s Planner, presented the proposed ordinance.

Sophie Piesse, representing the Appearance Commission, stated that the Appearance Commission had voted unanimously to recommend approval of the proposed ordinance.

Andy Cohen, Chair of the Planning Board, stated that the Planning Board was in favor of having smaller houses and/or limiting the size of houses in developments as a way to address part of the affordable housing problem, but it will not address the affordable housing needs of the majority of the general Carrboro citizenry. The Planning Board recommended that the proposed ordinance be amended to read as follows:

- a. For development of 5-12 units, 20% of the homes be 1,350 square feet or less.
- b. For developments of 13-19 units, 20% of the homes be 1,350 square feet or less, and 10% of the homes be 1,100 square feet.
- c. For developments of 20+ units, 10% of the homes be 850 square feet or less, 10% of the homes be 1,100 square feet or less, and 10% of the homes be 1,350 square feet or less.

The Planning Board asked that the Board of Aldermen continue to look for ways to address the affordable housing issue.

Mitch Barron, representing the President of Home Builders Association of Durham and Orange Counties, read a statement adopted by the Home Builders Association. This statement spoke against adoption of the proposed ordinance. This opposition is founded on our fundamental disagreement with attempts to create a “command” economy where government decisions are substituted for the choices made by the individuals. The statement read that ambiguity in the proposal also causes concern because they anticipate that the least flexible alternative would be chosen for any future execution of the ordinance. There is no clear statement as to the ability to mix housing types to achieve the goal, and no statement of policy concerning increased density that would support such a plan. In addition, they feel that this ordinance would result in increased cost for all housing, as the market absorbed the very high cost per square foot that would be necessary to amortize the expense of meeting all the development requirements currently in place using this extraordinarily small unit.

Shirley Marshall spoke in favor of the proposed ordinance.

LeAnn Nease, a Carrboro citizen, spoke in opposition to the proposed ordinance. Ms. Nease questioned the validity of the ordinance and questioned whether this will prevent people from using their property. Ms. Nease stated that she did feel this ordinance would not provide affordable housing when an 850 foot square foot house

is placed on a \$50,000 lot. Ms. Nease asked that the Board continue to work towards addressing affordable housing.

Glenn Greenstreet a resident of Chapel Hill and a Carrboro property owner, and local builder, stated that this ordinance puts the burden on existing landowners. Mr. Greenstreet stated that an 850 square foot house would be built for a certain market. Mr. Greenstreet stated that the majority of the costs are not the land and building costs. The largest costs involve development costs.

Brian Yates spoke against the proposed ordinance. Mr. Yates expressed concern about an 850 square foot house being built beside a \$250,000 home.

Sandy Lloyd, a Carrboro resident, spoke against the proposed ordinance. Mr. Lloyd presented a petition containing 60 signatures speaking in opposition to the proposed ordinance. The petition stated, "We the undersigned, have reviewed the attached documents titled as follows: 1) 2/19/99 Draft copy of proposed NSA ordinance—an ordinance amending the Carrboro Land Use ordinance to implement the recommendations of the facilitated small area plan for Carrboro's northern study area, 2) Draft copy—Town of Carrboro vernacular architectural standards for village mixed use and affordable housing, 3) Draft 2-25-99—an ordinance amending the Carrboro to require that at least forty percent of the single family dwelling units within any residential subdivision approved under a special or conditional use permit be 1100 square feet or less in size. We have strong objection to both the creation and use of "the Vernacular Architectural Standards for Village Mixed Use and Affordable Housing" in its entirety and as it is referenced in (draft) Sections 15-141.2 on Page 17 of 35 lines 37 through 44, Section 15-177 lines 12 through 36 on page 34 of 35, and Section 15-182.4 lines 24 through 26 on page 20 of 35 of the Town of Carrboro Land Use Ordinance. Furthermore, we object to Section 15-182.4 paragraph (a) lines 12 through 26 on page 20 of 35. Additionally, we object to Section 15-188 paragraph (a)(3) and paragraphs (b), (d), and (g) in the Draft dated 2-25-99."

Giles Blunden stated that there is a good market for small houses. Mr. Blunden stated that Arcadia has a mix of small and large houses. Streamlining the process would help. Incentives from the town would be good.

Ben Hitchins, a Carrboro resident, stated that he and his wife would like to purchase a house in Carrboro but thus far have not been able to locate an affordable house. Mr. Hitchins encouraged the Board to proceed with the ordinance. Mr. Hitchins suggested a payment in lieu rather than constructing small houses, and review the ordinance on an annual basis.

Linda Lloyd, a Carrboro resident. Ms. Lloyd stated that her family owns a six-acre tract of land in R.S. Lloyd Subdivision. This subdivision has a restrictive covenant that states that any home built in this subdivision be at least 1,600 square feet. Ms. Lloyd stated that the proposed ordinance would prevent them from using their property. Ms. Lloyd stated that small homes are not always going to be affordable. Ms. Lloyd expressed concern about potential homebuyers being unable to obtain financing for such small houses. Ms. Lloyd stated that she did not feel the proposed ordinance would work in small subdivisions, and suggested clustering and diversity in housing.

Mike Brough stated that the ordinance would need to be amended to exempt tracts that have covenants on them that are inconsistent with the provisions of the ordinance.

Ned Riggsbee, a Carrboro native, expressed concern about the proposed ordinance. Mr. Riggsbee expressed concern about the tax burden. Mr. Riggsbee stated that landowners are already over regulated and encouraged the Board not to adopt any further regulations.

Jeff Rubish, a Carrboro resident, spoke in opposition to the proposed ordinance. Mr. Rubish spoke in favor of affordable housing and volunteered to work with the town to come up with ways to provide affordable housing. Mr. Rubish stated that this ordinance would curtail growth.

Marty Mandell, a resident of Pine Street, spoke in favor of affordable housing. Ms. Mandell expressed concern that the houses remain affordable.

Robert Dowling, Director of Orange Community Housing Corp., applauded the Board's desire to provide affordable housing. Mr. Dowling stated that the private sector needs incentive to build affordable housing. Mr. Dowling suggested the ordinance be restructured.

Jackie Allen, a Carrboro resident, spoke in support for the proposed ordinance. Ms. Allen stated that small houses are livable. Ms. Allen spoke in support for mixing the smaller houses with larger houses.

Richard Ellington, a Carrboro resident, stated that he did not feel the proposed ordinance would accomplish affordable housing. Mr. Ellington stated that the ordinance does not address 1,300 - 1,500 square foot housing. Mr. Ellington expressed concern that the proposed ordinance will create "exclusionary", luxurious housing for retired people.

Sally Norton, a Carrboro resident, spoke in favor of townhouse living.

Jesse Basnight, Jr. spoke against the proposed ordinance, but spoke in favor of affordable housing.

Alderman Spalt suggested that in the future on controversial matters, that the Board consider at least discussing those matters on the same night of the public hearing.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROWN TO SET A MEETING FOR APRIL 20, 1999. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

It was the consensus of the Board to place this matter on the April 20th agenda in order that Board members may identify issues that may require additional staff analysis.

DISCUSSION OF MEMO FROM LANDFILL OWNERS GROUP ALTERNATIVE FINANCE COMMITTEE/AVAILABILITY FEE AND OTHER FINANCE MECHANISMS FOR SOLID WASTE MANAGEMENT

The purpose of this agenda item was for the Mayor and Board of Aldermen to give the LOG Alternative Finance Committee feedback on the four alternatives for financing the solid waste management program.

[The Board combined its discussion of this item with the next agenda item—Discussion of Orange County's Proposal for Assuming Responsibility for Solid Waste Management.]

DISCUSSION OF ORANGE COUNTY'S PROPOSAL FOR ASSUMING RESPONSIBILITY FOR SOLID WASTE MANAGEMENT

The Chair of the Orange County Commissioners, Alice M. Gordon, wrote the Mayor on March 8, 1999 conveying the Commissioners' proposal for assuming overall solid waste management responsibility. On March

9, 1999 a meeting was held in which the Town Manager attended that reviewed the County's proposal. At this meeting, Alice Gordon requested that the Towns respond to the Commissioners' proposal as soon as possible. The purpose of this item was for the Board to review the proposal and direct the Town Administration as to the appropriate response.

The memorandum from the County Commissioners lists principles for assuming responsibility for solid waste management. These principles will be reviewed in the order presented in the memorandum.

If:

1. Solid waste continues to be managed as an enterprise fund:

Administration Comment – agreement

2. The Greene Tract remains a landfill asset (with the acknowledgement that the current Board of Commissioners has no inclination to bury mixed solid waste (MSW) or construction and demolition (C&D) waste on this property.

Administration Comment – At the March 9th meeting the Commissioners present could not explain why the reference to 60 acres had been dropped. These Commissioners also inferred this tract would remain an asset of the three jurisdictions of the LOG to determine the final use of the tract. Further clarification from the County is needed on this principle.

3. There are no restrictions on acquisitions of additional acreage at the current landfill (with the acknowledgement that the current Board of Commissioners has no inclination to use the Blackwood, Nunn properties.)

Administration Comment – The Board of Aldermen previously stated that additional purchases of property should be limited to parcels 7.18.27, 7.18.27E and 7.18.27F.

4. All entities continue to work through the LOG until such time as the County assumes overall responsibility for solid waste management to develop options for material recovery, construction and demolition disposal, and a transfer station (to include examination of reconfiguring property at the Eubanks Road landfill to accommodate one or more of these facilities);

Administration Comment – Agreement

5. The Towns of Carrboro, Chapel Hill, and Hillsborough bear the appropriately proportional share of costs and remain partners to make an enterprise operation economically viable, to include current and future operations.

Administration Comment – The cost of implementing the solid waste management plan should be born by all citizens of Orange County in an equitable and fair manner. A combination of revenue sources seem appropriate: tipping fees, sales of recycled material, County property tax, and County availability fee. Strong consideration should be given to creating two county tax districts with the tax rates in each reflecting the two different levels of urban and rural solid waste management services.

6. Reduction of solid waste and the economic viability of solid waste facilities and operations are made compatible.

Administration Comment – Agreement

7. All parties approve an interlocal agreement after the current draft has been revised to incorporate modifications (negotiated by representatives of each governing board).

Administration Comment – Agreement

8. The County retains the freedom to implement fees.

Administration Comment – This is essential if the County has the responsibility for implementing the Solid Waste Management Plan and reinforces the need for these fees to be levied at the County level. These fees should be implemented in accordance with the interlocal agreement.

9. The County is not expected to use general funds to underwrite overall solid waste management activities.

Administration Comments: Agreement

THEN

1. The County will assume solid waste management responsibility six months after all parties have approved the Interlocal agreement, to include current and future operations.

Administration Comments – The sooner the better.

2. The County will accept transfer of all Chapel Hill Solid Waste Management employees.

Administration Comments – The conditions under which this takes place needs to be worked out between the Town of Chapel Hill and Orange County.

3. The Board of County Commissioners shall approve the 1999-2000 solid waste management operating budget in June 1999.

Administrative Comments – Both the Town of Chapel Hill and the County Commissioners should agree to the 1999-2000 budget. The Town of Carrboro will have its input through the LOG and the adoption of the tipping fee.

4. The LOG shall continue to oversee solid waste management, operating by consensus and make no major financial commitments, until it dissolves, after adoption of the 1999-2000 budget and no later than August 1, 1999.

Administration Comment – Agreement

5. Each government shall appoint two representatives to a Solid Waste Management Advisory Commission, pursuant to an adopted interlocal government, which shall succeed the LOG and begin meeting upon the dissolution of the LOG and no later than August 1, 1999; a ninth seat on the Commission will be reserved for a representative designated by the University, provided that the University commits to participation in the solid waste management system.

Administration Comment – Agreement

6. Solid waste collection/transportation decisions will remain the prerogative of each local government entity

Administration Comment – Agreement

7. The County will pursue a conceptual revenue structure that:
- Finances core operations (MRF, MSW and C&D landfills) through tipping fees,
 - Finances collection/transportation activities through property taxes and collection charges,
 - Finance reduction/recycling through tipping fees to the extent practical, with the balance from availability fees.

ents – Administration Comment: Tax district funding is more equitable and fairer revenue source than availability fees.

8. The County will finance community benefits through the landfill enterprise to the extent legally permissible (unless Carrboro and Chapel Hill agree to earmark a portion of the one-cent sales taxes for their share of community benefits).

Administration Comment: Agreement, however the Board of Aldermen is interested in including the Mill House Road neighborhood.

It was the consensus of the Board to ask that the Town Manager prepare a letter for the Board's review to the Landfill Owners Group responding to Orange County's proposal to assume solid waste management responsibilities. This letter should be based on the administration's comments listed in tonight's agenda item. In addition, the Board requested that the following comments be included:

- That the Board's position be restated that the town prefers a progressive rather than regressive means of seeking the necessary revenues.
- That a financing method be used that would require tax-exempt properties to carry their share of the burden.
- That double taxation be avoided.
- If the tipping fee is used, the loss of private haulers will extend the life of the landfill.

DISCUSSION OF NAME CHANGE FOR THE BOARD OF ALDERMEN

The Mayor and Board of Aldermen discussed a possible name change for the Board of Aldermen.

Mayor Nelson suggested Carrboro Town Board.

Alderman Zaffron suggested Board of Councillors.

Alderman Caldwell suggested Carrboro City Council.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO SET A PUBLIC HEARING FOR APRIL 27, 1999 TO RECEIVE PUBLIC COMMENT ON THE FOLLOWING SUGGESTED NAMES FOR THE BOARD OF ALDERMEN: CARRBORO TOWN BOARD, CARRBORO BOARD OF COUNCILLORS AND CARRBORO CITY COUNCIL. VOTE: AFFIRMATIVE ALL

FUNDING FOR PUBLIC TRANSPORTATION

Alderman Spalt asked how the Board should respond to Mayor Waldorf's letter concerning funding for public transportation.

Alderman McDuffee suggested a meeting with Chapel Hill officials to discuss this matter.

It was the consensus of the Board to request that the Town Manager contact the Chapel Hill Town Manager to arrange a joint meeting of the Carrboro Board of Aldermen and Chapel Hill Town Council to discuss funding for public transportation.

REQUEST FOR STATUS REPORT/HILLSBOROUGH ROAD PROJECT

Alderman Caldwell requested a status report on the Hillsborough Road improvement project.

REQUEST FOR MEETING WITH OWASA REPRESENTATIVES

Mayor Nelson requested that the Agenda Planning Committee schedule time on an upcoming agenda for the Board to meet with the town's OWASA representatives.

HABITAT FOR HUMANITY PROJECT

Mayor Nelson asked for a Board member to organize work for the Habitat for Humanity project.

Alderman Broun volunteered to serve in this capacity.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO
ADJOURN AT 10:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk