

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 4, 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

REQUEST FOR SUPPORT FOR PURCHASE OF CARR COURT APARTMENTS

Harvey Reid, a resident of Carr Court, spoke in support of Empowerment purchasing the apartments in Carr Court to provide affordable housing. Mr. Reid encouraged the Board to support Empowerment's effort to purchase this property.

PETITION OPPOSING TAX INCREASE

Doris Bynum presented a petition containing the names of 85 citizens expressing opposition to a tax increase in Carrboro for the upcoming fiscal year.

CARRBORO DAY

Jay Bryan thanked the Board for the town's contribution to make Carrboro Day possible.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON ALLEN SPALT AND SECONDED BY TO APPROVE THE APRIL 27, 1999 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/STREET CLOSING REQUEST/FETE DE LA MUSIQUE

The Carrboro Art Committee has submitted a Street Closing Permit Application to close portions of Roberson Street and Weaver Street to accommodate the second annual Fete de la Musique on Sunday, June 20th. A public hearing is required to review street closing permit applications. The administration requested that a public hearing be set for May 25, 1999.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO SET A PUBLIC HEARING FOR MAY 25, 1999. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Nelson read a joint proclamation declaring the week of May 2-8, 1999 as Disability Awareness Week.

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/STAFF SUPPORT FOR ENVIRONMENTAL ADVISORY BOARD

The purpose of this item was for the Mayor and Board of Aldermen to receive public comment on an ordinance amending the Carrboro Land Use Ordinance to allow staff support to be provided for the Environmental Advisory Board.

Roy Williford, the town's Planning Director, presented the proposed amendment and stated that the town staff was recommending that action on this amendment be delayed until May 11th in order to receive the recommendation of the Planning Board.

Giles Blunden, Chair of the Environmental Advisory Board, thanked the Board for considering providing staff for the EAB.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO CONTINUE THIS PUBLIC HEARING UNTIL MAY 11, 1999. VOTE: AFFIRMATIVE ALL

DOWNTOWN SATURDAY TROLLEY SERVICE

The purpose of this item was to give the Mayor and Board of Aldermen an update on the status of proposed downtown Saturday trolley service for Carrboro.

Kenneth Withrow, the town's Transportation Planner, stated the proposal is to have a trolley which would operate within the central business district between Carrboro Town Hall and Carr Mill Mall during Farmers' Market hours (8:00 a.m. and 11:00 a.m.) from May through September. Mr. Withrow stated that the administration recommended that the Board of Aldermen authorize the Town Manager to enter into an agreement with Chapel Hill Transit for trolley service during the fourth quarter of the 1998-99 fiscal year at a cost of \$1,348 and the first quarter of the 1999-2000 fiscal year at a cost of \$2,502. This will implement the service proposal requested by the Farmers' Market. The administration will bring a budget amendment to the Board for the current year expenditure in the amount of \$1,348, with these revenues coming from the Farmers' Market. The remaining 13 weeks will be included in the 1999-2000 budget. If the Farmers' Market does not make up the difference of \$850, the town will need to consider appropriating those funds from the fund balance of the transportation budget for both fiscal years.

Alderman Spalt stated that it had been suggested to him that the bus/trolley go into some of the Carrboro neighborhoods to bring citizens downtown.

Alderman Zaffron stated that the Carrboro Business Association was interested in expanding the hours for the trolley following this trial period.

Alderman Gist expressed concern about how short the proposed route would be, and stated that bringing citizens into downtown would seem more logical.

Mayor Nelson suggested that citizens be allowed to catch the trolley anywhere along the route rather than just at the stops.

Alex Hitt, representing the Carrboro Farmers' Market, stated the Market would like to try this short route as a trial since there is a parking problem for the Market currently. Mr. Hitt stated that he would like to see the route extended in the future. Mr. Hitt stated that they would encourage patrons to use the trolley.

Mayor Nelson mentioned that the parking on Fidelity Street is currently underutilized.

Alderman McDuffee asked what kind of ridership would be deemed successful.

Mr. Hitt stated that the Farmers' Market folks would have to monitor the trolley usage.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH CHAPEL HILL TRANSIT FOR TROLLEY SERVICE DURING THE FOURTH QUARTER OF THE 1998-99 FISCAL YEAR AT A COST OF \$1,348 AND THE FIRST QUARTER OF THE 1999-2000 FISCAL YEAR AT A COST OF \$2,502. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MCDUFFEE, GIST, SPALT)

ALDERMAN SPALT PROPOSED AN AMENDMENT TO ALDERMAN ZAFFRON'S MOTION TO REQUEST THAT THE TOWN STAFF PROPOSE AN EXPANDED ROUTE, WHICH WOULD GO INTO SOME NEIGHBORHOODS WITH A 15-MINUTE HEADWAY. (THIS AMENDMENT WAS NOT ACCEPTED.)

It was the consensus of the Board to request that the Transportation Advisory Board consider the Board's comments regarding expansion of the trolley route and that Heidi Perry be asked to participate in these discussions.

DISCUSSION OF AN ADEQUATE PUBLIC FACILITIES ORDINANCE

The purpose of this item was to review materials on adequate public facilities requirements.

Mike Brough presented a proposed school concurrency agreement and accompanying ordinance. This agreement would establish a more formal mechanism for ensuring cooperation between Orange County, Chapel Hill, Carrboro and the Chapel Hill-Carrboro School District in making decisions on the approval of residential developments and the provision of the school facilities necessary to handle the school children who will reside in these developments.

Alderman Zaffron expressed concern that this ordinance would encourage development of 2-acre estate lots to avoid the requirements of this ordinance.

Alderman McDuffee suggested that senior housing and, housing targeted for students, and multi-family housing that is not going to generate a lot of school children should be exempted from the requirements of the ordinance.

Alderman Gist expressed concern that the proposal would encourage construction of more expensive housing. In addition, Alderman Gist expressed concern that requiring the developer to donate land to the school system would cause developers to pass along the cost of the donated land to the homeowners.

Alderman Spalt stated that discussion had been that two of these concurrency agreements would be signed--one for the Chapel Hill-Carrboro City Schools and one for the Orange County School System. This process would allow for planning what schools and other facilities would be needed, with adjustments made along the way. Schools would not be built in crisis modes any longer, which would allow for cost savings.

Alderman Broun expressed concern about the social and economic implications of this agreement. Sometimes centralized planning does not work. Is it safe to assume that the growth will continue at the same rate as it's been in the past? This could be a back-end way of controlling growth. This could be a way of shifting the responsibility from those who should make the decisions.

Alderman Caldwell stated that growth is outgrowing the school system and that he was not sure he wanted to give the control proposed in the agreement to the school system. Alderman Caldwell asked that this proposal be sent to the homebuilders association.

Mayor Nelson stated that the town could back out of this agreement in the future if it so choose.

Mike Brough stated that the town could repeal the ordinance.

Mayor Nelson stated that this is a tool to control growth. This is not ideal, but continuing without some type of agreement between the towns and the school system is not ideal either. It is important to have the school system's input.

Alderman Zaffron stated the idea is great, but in essence the school board would be put in a position of making land use functions and school boards are political bodies. Land use will become a realm of the school board.

Alderman Spalt stated that a capital improvement program would have to be developed by all bodies. This will make growth measured.

Alderman Zaffron requested information on how the school system will evaluate whether to issue CEF's or not, including information about the demographics of cities and counties in which similar ordinances have been implemented and whether the implementation has changed the demographics.

Alderman Caldwell requested that his proposal be forwarded to the HomeBuilders Association.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO DELETE SUBSECTION 6(e)(3) RELATING TO DONATION OF LAND TO THE SCHOOL SYSTEM, AND THAT 5 BE AMENDED TO READ "UP TO 13 HOUSES" AND THAT LANGUAGE BE INCLUDED TO EXEMPT HOUSING TARGETED TO A POPULATION THAT IS NOT LIKELY TO HAVE SCHOOL-AGE CHILDREN. (MOTION WITHDRAWN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO FORWARD THE BOARD'S COMMENTS TO THE ATTORNEYS, MANAGERS AND SCHOOLS AND LAND USE COUNCIL. VOTE: AFFIRMATIVE ALL

CONTINUED DISCUSSION OF THE TYPE OF INCUBATOR TO BE ESTABLISHED IN CARRBORO

James Harris, the town’s Community and Economic Development Director, stated that the purpose of this item was for the Mayor and Board of Aldermen to continue their discussion of the type of business incubator that should be established in Carrboro. The Board at its 1999 Planning Retreat asked that this matter be revisited.

Alderman Gist asked that the high tech and low-tech end be considered. Alderman Gist re-emphasized here desire to have an incubator for small businesses.

Alderman McDuffee stated that the town’s effort has to be focused, and that she would like to see the town focus on technology development.

Mayor Nelson asked for a report from staff on what steps the town has taken in regard to micro lending and what steps we plan to take.

Alderman Zaffron asked that the town staff look at the objective needs of information technology businesses, particularly startups and how to accommodate those needs, and examine what various types of businesses to bring to the community in terms of their social impact, tax generation, etc.

Myles Pressler stated that Midway Business Center is moving ahead with their incubator. The Board needs to decide what type of businesses to promote. Mr. Pressler stated that they are submitting an application for gap financing and asked that the town forward a letter to the N.C. Technology Development Authority speaking in support of their project. Mr. Pressler suggested that the town and Midway share staff support to run the incubators.

Mr. Pressler stated that the land trust fund will be administered by Orange Community Housing and encouraged the Board to support affordable housing by dedicating one-cent on the tax rate for affordable housing.

It was the consensus of the Board to ask the town staff to contact the N.C. Technology Development Authority to determine whether the town’s support of Midway’s proposal would have a negative impact on Carrboro’s incubator proposal.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE THE MAYOR TO FORWARD A LETTER TO NCTDA IN SUPPORT OF MIDWAY’S PROPOSAL. VOTE: AFFIRMATIVE ALL

NORTHERN STUDY AREA IMPLEMENTATION ORDINANCE

Trish McGuire, the town’s planner, stated that the Orange County Board of Commissioners had voted tonight to unanimously approve the northern study area implementation ordinance, with conditions. Ms. McGuire stated that the town staff would bring a full report to the Board at its meeting of May 11th.

DISCUSSION OF BOARD’S SUMMER BREAK SCHEDULE

The administration requested that the Mayor and Board of Aldermen set their summer break schedule for this year.

It was the consensus of the Board to set the month of July and the first two weeks of August as the Board's summer break for this year.

AFFORDABLE HOUSING BILL

Mr. Morgan presented a draft of House Bill 841 for the Board's review.

It was the consensus of the Board to have Alderman Zaffron meet with homebuilders association to discuss language that all parties might agree to.

NEWS & OBSERVER ARTICLE RELATING TO DEVELOPMENT REVIEW FEES

Alderman McDuffee requested that the town staff review the recent News & Observer article discussing development review fees and prepare a report to the Board concerning this matter.

FUNDING FOR THERMAL IMAGING CAMERA

Alderman Gist requested that the Board discuss possible funding for the Fire Department's thermal imaging camera.

RESOLUTION ON NUCLEAR SAFETY IN CENTRAL, NORTH CAROLINA

The following resolution was introduced by Alderman Hilliard Caldwell and seconded by Joal Hall Broun.

A RESOLUTION ON NUCLEAR SAFETY IN CENTRAL NC Resolution No. 33/98-99

Whereas, Carolina Power & Light (CP&L) seeks a federal license amendment to double its high-level nuclear waste storage at the Shearon Harris nuclear plant in central North Carolina, and admits the plant would become the nation's largest approved storage site for highly irradiated used nuclear fuel rods or high-level waste (HLW); and

Whereas, used nuclear fuel is one of the deadliest materials on earth and therefore, under federal law, must be kept out of our environment for 10,000 years; and

Whereas problems with storage of HLW in cooling pools can lead to meltdowns, fires and other accidents causing radiation releases into the atmosphere; and

Whereas, nuclear generating and waste storage facilities rely on highly complex systems which are susceptible to technical and human error, as evidenced by the three accidental shutdowns of the Harris reactor during a six-week period ending mid-March 1999; and

Whereas, even the Nuclear Regulatory Commission (NRC) - an agency with a well-known history of bias toward the industry - acknowledged in a 1997 study that the probability of HLW pool accidents is higher than

previously believed and could result in tens of thousands of cancer deaths within 50 miles around a plant, and where NRC information indicates the cumulative probability of one type of severe accident is 1 in 125; and

Whereas, two of the world's top nuclear safety experts, Gordon Thompson and David Lochbaum, have raised numerous specific concerns with CP&L's proposal, including its unprecedented plan to eliminate the separate cooling and primary and emergency electrical systems originally designed for the new pools, in order to minimize costs, where such alteration places an additional burden on safety systems for the reactor; and

Whereas, Thompson and Lochbaum agree - nor can the company deny - that there are a number of initiating factors including earthquakes, equipment failures or loss of electrical power due to weather or other reasons, which could lead to full or partial loss of cooling water resulting in spontaneous combustion of HLW or even meltdown-type accidents; and

Whereas, Cesium 137 is a powerful gamma-emitter and the most damaging substance released from the 1986 accident at Chernobyl, and

Whereas, Thompson and Lochbaum conclude that an accident at Harris could release into the atmosphere ten times - or more - Cesium 137 than released at Chernobyl; and

Whereas, CP&L's pool expansion would cause at least a doubling of crane loading and handling of multi-ton fuel rod assemblies and waste casks, therefore at least doubling the probability of handling accidents; and

Whereas, due to ongoing uncertainty as to whether a permanent disposal option for HLW will be approved in the foreseeable future, there is a likelihood that HLW would be stored at Harris for a number of decades, or possibly longer, in cooling pools intended only for short-term use, therefore increasing the risk of accidents; and

Whereas, terrorism is increasingly seen as a legitimate threat in the U.S. and nuclear facilities are regarded as potential targets by the U.S. government; and

Whereas, CP&L has rejected numerous requests to justify its proposal to the public or to address safety concerns identified by Thompson and Lochbaum, and additionally, CP&L has even moved legally to prevent a public hearing sought by Orange County to air some of these issues with the NRC; and

Whereas, the current evacuation plan for the Harris facility was controversial when first developed in 1986, and has not been updated to account for the tremendous growth this region has experienced since that time, and thus cannot assure the safe removal of residents during potential accidents.

Whereas, communities near Harris - and the greater region - already bear an undeniable and significant risk from the existing reactor and waste storage, handling and transport systems, and whereas the expansion is sought to accommodate waste from CP&L's reactors in other areas; and

Whereas, dry cask storage at the generating reactors is a safer storage option, as acknowledged by Thompson and Lochbaum, and is even deemed by the NRC to be less prone to failure than cooling pools; and

Whereas CP&L states that dry casks are equally safe as pool storage and that its expansion is based on cost savings; and

Whereas, dry storage at the generating reactors would cost CP&L only an estimated \$31 million over a 15 year period, which is a small fraction of CP&L's net profit of \$339 million for 1998 alone, and small compared to its

budget for public relations, image advertising, and lobbying of elected officials (totaling many millions each year); and

Whereas, all citizens at risk of exposure to radiation from accidental releases have the democratic right to have a genuine voice in such an important matter; and

Whereas CP&L, by refusing and/or blocking efforts to justify its plan to local governments, has chosen an adversarial stance toward the public, despite the calls from nine local governments, citizen organization NC WARN, editorial boards from various regional media, and members of the public nearest the facility and throughout the region encouraging CP&L to engage in an open examination of the safety issues surrounding its proposal.

Therefore, the Board of Aldermen of the Town of Carrboro hereby resolve and call on CP&L to meet its responsibilities as a corporate citizen by:

- 1) Withdrawing its application to license waste pools C and D for expanded storage at the Harris plant.
- 2) Immediately begin to phase-out the import of HLW to Harris so as to minimize additional risks placed on the public by storage in high-density pools, and to revert to the safer option of dry-cask storage at the generating reactors.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of May, 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 CLOSED SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY HILLIARD CALDWELL TO ADJOURN TO CLOSED SESSION AT 11:05 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN AT 11:15 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk