

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 09, 2000 at 7:30 PM in the Town Hall Board Room.

PRESENT AND PRESIDING:

**MAYOR
ALDERMEN**

**Michael Nelson
Joal Hall Broun
Mark Dorosin
Jacquelyn Gist
Allen Spalt
Alex Zaffron
Robert W. Morgan
James E. Spivey
Michael B. Brough**

**TOWN MANAGER
DEPUTY TOWN CLERK
TOWN ATTORNEY**

ABSENT:

ALDERMAN

DIANA MCDUFFEE

PETITION FOR PEDESTRIAN SAFETY

Susannah Holloway and John Smith presented a petition that called for the initiation of a program to improve pedestrian safety in Carrboro.

The Board referred the petition to staff.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPROVE THE APRIL 25, 2000 MINUTES. VOTE: AYES 6 (Broun, Dorosin, Gist, Nelson, Spalt, Zaffron); NOES 0; ABSENT/EXCUSED 1 (McDuffee).

Alderman Spalt questioned the accuracy of the maximum height of the flagpole condition referenced under the Arby's conditional use permit request in the April 25, 2000 Minutes.

Alderman Spalt also requested that when significant grading or fill activity is required at a project site, it would be helpful for staff to point that out to the Board of Aldermen during permit review.

PROCLAMATION

Mayor Nelson read a proclamation that proclaimed May 1 – 5, 2000 as Disability Awareness Week in Orange County. Mayor Nelson presented the proclamation to Ms. Jenny Wolpin, Carrboro's representative to the Orange County Disability Awareness Council.

PUBLIC HEARING: MANAGER'S RECOMMENDED BUDGET FOR FISCAL YEAR 2000-01

The Board, prior to adopting the FY2000-01 budget ordinance, is required by GS 159-15 (b) to schedule a public hearing. This public hearing was designed to receive community input on the Manager's recommended budget for Fiscal Year 2000-01.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AYES 6 (Broun, Dorosin, Gist, Nelson, Spalt, Zaffron); NOES 0; ABSENT/EXCUSED 1 (McDuffee).

The Board took no action on this matter.

PUBLIC HEARING: CARRBORO DOWNTOWN TAX DISTRICT

The purpose of this item was to hold a public hearing to receive public comment from the owners of properties in the central business district and the public on the proposal to establish a downtown service district with a supplemental tax rate of 10 cents per \$100 of taxable property value.

James Harris, Community & Economic Development Director, made the staff presentation.

Tom Cassidy and Heather McMahon, students in the UNC-CH Department of City and Regional Planning, made a presentation to the Board explaining the rationale behind the proposed supplemental tax rate of 10¢ per \$100 of taxable property value.

Tommy Watts requested that his property be removed from the proposed tax district. Mr. Watts stated that his business supplies parking for his customers and that he should not be required to pay for parking for businesses in the central downtown business district. He suggested that the businesses in the central downtown use the land behind the businesses in the central downtown.

James Self, representing the Mr. Olive Lodge #36, questioned whether or not his lodge – a non-profit agency – would be affected by the proposed tax. Mr. Self was informed that his Lodge would be exempt from the proposed tax if approved.

Sherwood Ward stated that he has difficulty supporting the proposed tax because a comprehensive study of the needs of the downtown has not been done. Mr. Ward voiced his acknowledgment of parking needs in the downtown but questioned the timing of the parking lot project. He stated that he feels the business owners in the downtown are being asked to subsidize parking for the community center. Therefore he is not supportive of the proposed tax but is supportive of a comprehensive study being conducted of all the needs of the downtown.

Nathan Milian, Carr Mill Mall manager, voiced support of the downtown but stated that if the proposal is approved by the Board, the taxing of the businesses should be fair and equitable. Mr. Milian also stated that Carr Mill Mall should be exempt from having to supply additional parking.

Starnes Weaver voiced opposition to the proposed tax district. Mr. Weaver stated that parking meters should be used in the downtown. He stated that downtown businesses already pay a commercial tax and therefore should not be required to pay for parking. Mr. Weaver also questioned whether the Town had a guarantee that a property owner would sell their property to the Town to building a parking lot.

Cleveland Fogelman voiced opposition to the proposed tax district but voiced agreement that more parking in the downtown is needed.

Jenny Wolopin stated that increased parking in the downtown would impact the number of handicapped parking spaces in the downtown.

Alderman Zaffron requested figures of other revenue-generating options such as metering, etc. He requested a cost range for maintenance, debt service, and cost-per-space.

Alderman Dorosin suggested that the Town consider contacting a private parking lot corporation to run and maintain a downtown parking lot.

Alderman Broun suggested that the Downtown Visioning project be funded this year in an effort to begin to address some of the needs of the downtown such as parking. Additionally, she requested a copy of the Town's parking requirements.

Mayor Nelson requested a list of all the items and their amounts for the downtown that are in the budget and are to be funded by general revenue.

Alderman Zaffron stated that he would like to hear how Nathan Milian would want the parking requirements modified.

Alderman Spalt requested that staff bring back a proposal that would have a sharing of cost breakdown between the Town, large business owner, and smaller business owners.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN THAT THE PUBLIC HEARING BE CLOSED. VOTE: AYES 6 (Broun, Dorosin, Gist, Nelson, Spalt, Zaffron); NOES 0; ABSENT/EXCUSED 1 (McDuffee).

The Board deferred action on this matter until budget deliberations.

PUBLIC COMMENT ON SALE OF TIME WARNER CABLE (FRANCHISE) TO AMERICA ON-LINE-TIME WARNER AND MEDIAONE'S 25% OWNERSHIP SHARE OF TIME WARNER TO AT&T

The Board of Aldermen receive public comment regarding the sale of Time Warner Cable (Franchise) to America On-Line-Time Warner and MediaOne's 25% ownership share of Time Warner to AT&T.

Brad Phillips, Time Warner representative, addressed the Board. Mr. Phillips explained the concerns Time Warner had with the proposed resolutions. He explained that the common-carry issues it he heart of concern which is a matter that is to be resolved at the federal level, not at the local level.

David Permar and Bob Sepe addressed the Board. They explained options available to the Board by which the Board can voice its opposition to the proposed transfer. They explained that three options are available to the Board regarding the transfer process. Those options were: *1)* denial, *2)* approval, *3)* approval with conditions.

The Board directed Mr. Permar to draft a denial resolution based on anti-competitiveness and submit the draft resolution for Board review.

By consensus, the Board delayed action regarding this matter until all members are present.

REVIEW OF THE 2000-05 CONSOLIDATED HOUSING PLAN AND APPROVAL OF THE PROPOSED 2000-2001 HOME PROGRAM ACTIVITIES

The Board of Aldermen reviewed the 2000-05 Consolidated Housing Plan and 2000-2001 HOME Program Activities.

James Harris, Community and Economic Development Director, made the staff presentation.

Alderman Gist voiced concern that the Board did not have input early in the process.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE FY 2000-2005 ORANGE COUNTY CONSOLIDATED HOUSING PLAN
Resolution No. 149/1999-2000**

BE IT RESOLVED, by the Carrboro Board of Aldermen, that the Board authorizes the County Manager to submit the Orange County Consolidated Plan for Housing and Community Development Programs Annual Update to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein.

BE IT FURTHER RESOLVED, that the Manager is hereby designated as the authorized representative of the County, as prescribed by the HOME Agreement, to act in connection with the submission of the Consolidated Plan Annual Update and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted the 9th day of May, 2000.

AYES: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Jacquelyn Gist, Allen Spalt

NOES: None

ABSENT/EXCUSED: McDuffee

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

**RESOLUTION APPROVING THE ORANGE COUNTY 2000-2001 HOME PROGRAM DESIGN
Resolution No. 150/1999-2000**

BE IT RESOLVED, by the Carrboro Board of Aldermen, that the Board of Aldermen as a member of the Orange County HOME Consortium approve the following activities for the 2000-2001 HOME Program.

New Construction

Funds would be allocated to Orange Community Housing Corporation, an approved Community Housing Development Organization (CHDO) to assist in the construction of thirty-two (32) townhouses in the Meadowmont development.

\$80,000

Funds would be allocated to Habitat for Humanity of Orange County, Inc. to provide second mortgage assistance to five (5) first-time homebuyers.

\$62,500

Housing Rehabilitation

Funds would be allocated for the Urgent Repair Program administered by the Orange Community Housing Corporation. Eligible properties must have repair needs that pose a threat to the life, safety, or health of the occupants, or need accessibility modifications for an elderly or disabled occupant earning less than 50% of median income.

\$30,000

Funds would be allocated to the Seeds of Sheba for renovation/repair of transitional housing units in Chapel Hill.

\$100,250

Property Acquisition

Funds would be used to assist the Orange-Person-Chatham Mental Health Agency acquire, and if necessary, rehabilitate houses in Orange County for rental occupancy by County residents with disabilities.

\$120,000

Funds would be allocated to the Community Revitalization Loan Program to support the purchase, rehabilitation and resale of housing to eligible first-time homebuyers.

\$100,000

Program Administration

\$43,800

TOTAL PROGRAM FUNDS

\$ 536,550

BE IT FURTHER RESOLVED, that the Orange County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of this revision and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted the 9th day of May, 2000.

AYES: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Jacquelyn Gist, Allen Spalt

NOES: None

ABSENT/EXCUSED: McDuffee

The Board directed that, in the future, the Board is made aware early in this process to allow early review and comment on these matters.

A REQUEST TO ADOPT A REIMBURSEMENT RESOLUTION FOR FINANCING EQUIPMENT AND A BUDGET ORDINANCE TO SHOW FULL COST OF EQUIPMENT BEING FINANCED

The Board, in adopting the FY99-2000 budget, set aside funds to purchase and install a new Telephone System and to install fiber optic cabling between the Town's three facilities: Town Hall, Century Center, and Public Works. The Board approved the use of installment purchase (informally known as lease-purchasing financing) funding to purchase and install the new telephone system and fiber optic cabling. The Board was requested to approve a reimbursement resolution enabling the financing and to approve a budget amendment to show the full cost of equipment being financed.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

REIMBURSEMENT RESOLUTION

WHEREAS, the Town Manager, Robert W. Morgan, has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

BE IT RESOLVED by the Board of Aldermen as follows:

Section 1. The purchase is a Telephone System costing up to \$72,000 and the installation of Fiber Optic Cabling to be used between the Town's three facilities costing no more than \$99,000, for a total financing of \$171,000.

Section 2. The expected type of financing (which may be subject to change) is installment purchase financing as allowed in North Carolina General Statutes Section 160A-20.

Section 3. Funds that have been advanced, or may be advanced, from the General Fund for project costs are intended to be reimbursed from the financing proceeds up to an amount of \$171,000.

Section 4. The adoption of this resolution is intended as a declaration of the Town's official intent to reimburse project expenditures from financing proceeds.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted the 9th day of May, 2000.

AYES: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Jacquelyn Gist, Allen Spalt

NOES: None

ABSENT/EXCUSED: McDuffee

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

DISCUSSION OF BOARD'S SUMMER BREAK SCHEDULE

The Mayor and Board of Aldermen discussed and set their summer break schedule for this year.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Allen Spalt.

A RESOLUTION SETTING THE BOARD OF ALDERMEN'S SUMMER BREAK FOR 2000
Resolution No. 151/1999-2000

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the month of July and the first two weeks of August, 2000 will be set as the Board's summer break for the year 2000.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted the 9th day of May, 2000.

AYES: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Jacquelyn Gist, Allen Spalt

NOES: None

ABSENT/EXCUSED: McDuffee

By consensus, the Board agreed to discuss at the Retreat the possibility of changing the summer break period.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE MEETING BE ADJOURNED AT 10:15 PM. VOTE: AFFIRMATIVE ALL.

MICHAEL R. NELSON, *Mayor*

JAMES E. SPIVEY, CMC, *Deputy Town Clerk*