

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 9, 2001 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Jacquelyn Gist
----------	----------------

ESTABLISHMENT OF A CYBRARY AT THE CARRBORO CENTURY CENTER

Nerys Levy spoke in favor of the town's request for the Cybrary at the Carrboro Century Center.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Mark Dorosin.

RESOLUTION STATING THE CARRBORO BOARD OF ALDERMEN'S INTENT TO ESTABLISH CARRBORO PUBLIC LIBRARY SERVICES IN THE CARRBORO CENTURY CENTER Resolution No. 36/2001-02

WHEREAS, library service at the Carrboro Century Center would meet a number of needs not currently addressed in southern Orange County; and

WHEREAS, providing library service in downtown Carrboro would meet some of the unmet needs; and

WHEREAS, the Carrboro Board of Aldermen commends the Orange County Board of Commissioners for establishing the Orange County Library Services Taskforce; and

WHEREAS, the Board of Aldermen supports the Carrboro Public Library's (a branch of the Orange County Library) proposal to offer services in the Carrboro Century Center and other recommendations in the *Report of the Orange County Commissioners Library Services Task Force*; and

WHEREAS, the Carrboro Board of Aldermen proposes to work in partnership with the Orange County Board of Commissioners to establish Carrboro Public Library services in the Century Center; and

WHEREAS, Orange County will provide staffing and collections for the site.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen will provide space at no cost to Orange County for the purpose of operating a Cybrary and will provide ten (10) computers and Internet service.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 9th day of October, 2001:

Ayes: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Diana McDuffee, Allen Spalt

Noes: None

Absent or Excused: Jacquelyn Gist

PRESENTATION OF AWARD

On behalf of the League of American Bicyclists and Carolina Tar Wheels, Michael O’Conner presented the Mayor and Board of Aldermen with the Bicycle Friendly Community award.

LETTER OF APPRECIATION

Capt. Joel Booker stated that the Carrboro Police Department is currently fully staffed and thanked the Mayor, Board of Aldermen and Town Manager for their efforts in retaining and recruiting police officers. Capt. Booker presented the Mayor and Board of Aldermen with a letter signed by all members of the Police Department.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE OCTOBER 2, 2001 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

**REQUEST TO SET A PUBLIC HEARING FOR THE CHAPEL HILL PARK AND RIDE LOT
CONDITIONAL USE PERMIT**

Mr. Greg Shepard, with Phil Post & Associates, representing the Town of Chapel Hill, has submitted an application for a Conditional Use Permit (CUP) to allow a park and ride facility (Use 10.100) at 603 Berryhill Drive. The request consists of a parking lot with 437 parking spaces, several bike racks, some covered bus shelters and a bus turnaround/pick-up/drop-off area. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit application. The Administration recommended that the Board set a public hearing for October 23, 2001, for consideration of the conditional use permit request.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT
REQUEST FOR THE CHAPEL HILL PARK AND RIDE LOT
LOCATED ALONG BERRYHILL DRIVE
Resolution No. 31/2001-02

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

WHEREAS, an application has been received for a conditional use permit for the Chapel Hill Park and Ride lot located along Berryhill Drive.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on October 23, 2001 to consider the conditional use permit request for the Chapel Hill Park and Ride Lot Project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 9th day of October, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

A REQUEST TO ADOPT A BUDGET ORDINANCE

The Board was requested to approve a budget amendment appropriating funds for the Bureau of Justice Grant approved by the Board on Tuesday, September 25. The grant, including a local match of \$2,022 totals \$20,219. The budget amendment recognizes the federal share of this grant.

MOTION WAS MADE BY ALEX ZAFRONAND DULY SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2001-02 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

RESOLUTION RECOGNIZING THE WORK OF RIK HERMANSON

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Alex Zaffron.

A RESOLUTION RECOGNIZING THE ARTISTIC WORK OF
RIK HERMANSON – *WE THE PEOPLE*
Resolution No. 37/2001-02

WHEREAS, On September 11, 2001, thousands of Americans died as a result of horrific terrorist attacks; and

WHEREAS, the Carrboro community joins the people of New York City, Washington, D.C., and Pittsburgh in being affected deeply by the tragic loss of life and the heroic efforts of those who worked to save lives; and

WHEREAS, people everywhere strive to show compassion as well as patriotism including Rik Hermanson who created the sand sculpture, *We the People*, located at the Weaver Street Market; and

WHEREAS, this impressive sculpture has been enjoyed by many.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN:

Section 1. On behalf of the citizens of the Town of Carrboro, the Carrboro Mayor and Board of Aldermen hereby express their sincere appreciation to Rik Hermanson, Damian Hoffman, Steve Majers, and Anna Griffiths for creating *We the People*.

Section 2. Copies of this resolution shall be delivered to Rik Hermanson, Damain Hoffman, Steve Majers and Anna Griffiths.

Section 3. 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 9th day of October, 2001:

Ayes: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Diana McDuffee, Allen Spalt

Noes: None

Absent or Excused: Jacquelyn Gist

PROCLAMATION ISSUED

Mayor Nelson issued a proclamation proclaiming the week of October 7-13 as Fire Prevention Week.

SMITH LEVEL ROAD IMPROVEMENTS

Mayor Nelson announced that the N.C. Department of Transportation is holding a pre-hearing open house in the Carrboro Elementary School auditorium at 5:00 p.m. on October 25, 2001. A formal public hearing on the proposed widening of Smith Level Road from Rock Haven Road to Bridge No. 88 over Morgan Creek will begin at 7:00 p.m. on that same date.

Mr. Morgan stated that a plan for the proposed improvements is available on the first floor of Town Hall for citizens to view prior to October 25th.

PROCLAMATION NAMING OCTOBER 9TH DAVID KITZMILLER AND CAROLE STEMKOWSKI DAY

Mayor Nelson announced that he had proclaimed October 9th as David Kitzmiller and Carole Stemkowski day in Carrboro in recognition of their donation of the fountain located at the Century Center.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO TRANSFER IMPERVIOUS SURFACE CAPACITY FROM ONE LOT TO ANOTHER WITHIN THE TOWN'S PLANNING JURISDICTION

A draft ordinance that allows impervious surface transfers within the Watershed Residential zoning district has been prepared and distributed for review per the direction of the Board of Aldermen. This hearing provides an opportunity for the Board of Aldermen to receive public comment on the draft ordinance as is required by the Land Use Ordinance. The Administration recommended that, the Board of Aldermen adopt "An Ordinance Amending the Carrboro Land Use Ordinance to Allow the Transfer of Impervious Surface Capacity from One Lot to Another Within the Town's Planning Jurisdiction."

Mr. Morgan stated that Chris Conover had requested a delay of this requested amendment. Mr. Conover requested that this amendment be referred back to the Environmental Advisory Board to consider the implications of meeting the State's water quality requirements.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING AND REFER THIS REQUEST BACK TO THE ENVIRONMENTAL ADVISORY BOARD FOR FURTHER CONSIDERATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

PINE STREET: FOLLOW-UP INFORMATION

The Board of Aldermen held a discussion of issues associated with new development on Pine Street in August 2001 and directed follow-up action. In late September, the Board of Aldermen requested additional information regarding accessory/in-law cottages and information on how Chapel Hill handles on-street parking and parking limits. Information pertaining to these requests has been compiled. A resolution that provides an opportunity for the Board of Aldermen to specify additional follow-up action was provided for the Board's use.

Trish McGuire, the Town's Planning Administrator, made the presentation.

The Board discussed the ordinance amendments requested by the Pine Street residents (requested amendments in bold).

Limit the size of the expansion or replacement of a nonconforming dwelling (section 15-124(e)) to 750 sq ft or the size of the original non-conforming dwelling, whichever is larger. This protects affordable housing and eliminates the possibility of expanding a non-conforming dwelling to a huge size in multiple phases.

The Board requested that the Town Attorney draft an ordinance to limit the expansion of nonconforming units.

Andreas Hay suggested that the Board limit the number of times a nonconforming use may be expanded.

Provide some limitations on the maximum number of parking spaces and/or the maximum number of regularly parked vehicles at a property including on-street parking. This could be based upon lot size and/or zoning district. It may be appropriate to restrict on-street parking on some streets to ensure this does not create on-street parking issues.

Provide restrictions on creating and regulation on existing de facto cul-de-sacs. Shared driveways for properties with multiple high occupant density dwellings creates the traffic equal to or greater than many real cul-de-sacs with the exception that these de facto cul-de-sacs have unregulated (no signage) access to the street.

It was the consensus of the Board to request that the Town staff obtain models from other university communities on the maximum number of parking spaces allowed per unit. In addition, the Board requested a staff analysis of on and off-street parking on Pine Street, Cheek Street, and Oak Street. This analysis should address whether parking should be allowed on both sides of the streets versus on one side only; the maximum number of cars that could park in both cases; how many parking spaces exist for each house; and the number of multi-family units on Pine Street.

Mr. Hay asked that restricted on-site parking not force additional on-street parking.

Jennifer Hay asked if it is possible to limit the number of parking spaces per dwelling unit. Is there a way to prohibit unofficial fraternity houses in residential neighborhoods?

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO EXCUSE MAYOR NELSON FROM THE MEETING DUE TO ILLNESS. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, GIST)

Define "substantial impact" (section 15-52(c)) to ensure that neighbors are notified up front of developments that will impact them.

The Town Attorney will prepare a draft ordinance for the Board's consideration.

Provide more than 10 days for public comment or hold a public hearing.

The Board requested that the town staff provide the Board with a copy of the current notification requirements, suggestions for how zoning permits and building permits could be posted on the Town's website and other venues. The Board also requested that the town staff suggest some additional notification requirement for permits associated with the expansion of nonconforming uses.

Andreas Hay pointed out differences in Chapel Hill's land use ordinance and Carrboro's ordinance dealing with limitations on impervious surface on lots, limitations on the size of dwellings, etc.

It was the consensus of the Board to continue discussion of the following requests on November 13th:

Define "group homes" and/or "dormitories" and "other similar housing" (section 15-146) and provide some restrictions on these high density, high impact dwellings in residential neighborhoods

Require 150% of lot square footage (e.g., 15,000 sq ft in an R-10 zone) per group home dwelling.

Eliminate the "two-family conversion" portion of section 15-182(b), which allows the conversion of a single-family home to a duplex on lots with 150% of the minimum lot size for the given zoning district. As currently allowed this gives developers an unfair advantage over owner-occupiers on the open market. Per the Planning Department, this is the biggest exposure to Pine Street and other similar neighborhoods from ultra-high density properties.

Add the ability to build a 500 square foot detached single family dwelling (granny suite) on lots with 150% of the minimum lot size for the given zoning district. Houses of this small size provide truly affordable housing, have minimal impact to the neighborhood, does not significantly skew the playing field toward developers/landlords, and take advantage of existing infrastructure.

BUDGET AMENDMENT/MAKE A DIFFERENCE DAY

Alderman Dorosin requested that the Board consider appropriating \$500.00 from the contingency fund to purchase t-shirts for the children participating in Make A Difference Day.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO APPROPRIATE \$500.00 FROM THE CONTINGENCY FUND FOR MAKE A DIFFERENCE DAY. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, GIST)

BIKE RODEO

Alderman Spalt stated that he would have liked to have been notified of the TAB's Bike Rodeo.

HILLSBOROUGH ROAD IMPROVEMENT PROJECT

Alderman Spalt requested that the Town staff check to see if NCDOT is providing necessary tree protection fencing in connection with the Hillsborough Road improvement project.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 11:00 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, GIST)

Mayor

Town Clerk