A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 20, 2001 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Aldermen Joal Hall Broun

Mark Dorosin Diana McDuffee Allen Spalt Alex Zaffron

Town Manager Robert W. Morgan
Deputy Town Clerk
Town Attorney Richard J. White III
Michael B. Brough

Absent

Mayor Michael Nelson Alderman Jacquelyn Gist

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE NOVEMBER 13, 2001 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, NELSON)

REQUEST TO CANCEL DECEMBER 25TH AND JANUARY 1ST BOARD MEETINGS

The Mayor and Board of Aldermen were requested to consider canceling the December 25th and January 1st meetings of the Board of Aldermen.

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

A RESOLUTION CANCELING THE DECEMBER 25thAND JANUARY 1ST MEETINGS OF THE CARRBORO BOARD OF ALDERMEN Resolution No. 56/2001-02

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The December 25th and January 1st meetings of the Carrboro Board of Aldermen are hereby canceled.

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 20th day of November, 2001:

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

Noes: None

Absent or Excused: Michael Nelson and Jacquelyn Gist

APPOINTMENT TO THE FRIENDS OF THE CENTURY CENTER

The Mayor and Board of Aldermen were requested to consider appointing Chris Potter to serve on the Friends of the Century Center.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE FRIENDS OF THE CENTURY CENTER Resolution No. 61/2001-02

WHEREAS, the Board of Aldermen adopted a resolution on September 5, 2000 establishing the Friends of the Century Center; and

WHEREAS, on December 12, 2000 the Board of Aldermen adopted the formal charge for the Friends of the Century Center; and

WHEREAS, the Friends of the Century Center was approved to consist of seven citizens who would serve twoyear terms; and

WHEREAS, the Mayor and Board of Aldermen made five appointments to the Friends of the Century Center on February 27, 2001 and one appointment on August 14, 2001; and

WHEREAS, Chris Potter has submitted an application to serve on this committee.

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

Section 1. Mr. Chris Potter is hereby appointed to serve on the Friends of the Century Center.

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 20th day of November, 2001:

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

Noes: None

Absent or Excused: Michael Nelson and Jacquelyn Gist

RESOLUTION RELEASING ECONOMIC DEVELOPMENT FUNDS TO TRIANGLE J COUNCIL OF GOVERNMENTS

The Board was requested to consider adopting a resolution releasing \$1,071.74 appropriated by the 2001 General Assembly to Lead Regional Organizations to assist local governments with grant applications,

economic development, and community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments.

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

A RESOLUTION RELEASING \$1,071.74 IN ECONOMIC DEVELOPMENT FUNDS TO TRIANGLE J COUNCIL OF GOVERNMENTS Resolution No. 62/2001-02

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and

WHEREAS, the General Assembly continued to recognize this need through the appropriation of \$935,000 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, support of local industrial development and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members' dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the State's General Fund; and

WHEREAS, in Region J funds in the amount of \$55,000 will be used to carry out the economic development plan approved by the COG Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to and consequently benefits of the Research Triangle Park.

WHEREAS, the Board of Aldermen of the Town of Carrboro does not support the use of these funds for further internationalizing the region's economy.

NOW, THEREFORE BE IT RESOLVED that the Town of Carrboro requests the release of its \$1,071.74 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of Section 20.12 of Senate Bill 1005, the 2001 ratified budget bill.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of November, 2001:

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

Noes: None

Absent or Excused: Michael Nelson and Jacquelyn Gist

A REQUEST TO ADOPT A BUDGET ORDINANCE

A budget amendment was requested to transfer \$1,500 from contingency to the Recreation Department to pay for a weeklong series of art-related lectures called "Food for Thought". The Board approved funding for this effort in its regular meeting on November 13, 2001.

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MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2001-02 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, GIST)

A RESOLUTION SUPPORTING RISK REDUCTION AND SECURITY ENHANCEMENT AT THE HARRIS NUCLEAR POWER PLANT

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

A RESOLUTION IN SUPPORT OF RISK REDUCTION AND SECURITY ENHANCEMENT IN RELATION TO THE USE, TRANSPORT AND STORAGE OF NUCLEAR MATERIALS AT THE HARRIS NUCLEAR POWER PLANT

Resolution No. 65/2001-02

WHEREAS, the Carrboro Board of Aldermen has repeatedly supported greater public involvement in the decision-making process about the use, shipment and storage of nuclear materials at the nearby Harris nuclear plant that could have devastatingly adverse consequences for hundreds of thousands of central North Carolina residents, including residents of the Town of Carrboro, in the event of natural or man-made disasters; and

WHEREAS, the September 11, 2001 terrorist attacks on the United States have provided ample reason for thoughtful people to reconsider the accepted definition of what kinds of disasters are "reasonably foreseeable", and

WHEREAS, the U.S. Nuclear Regulatory Commission found nuclear power plants highly vulnerable to terrorist attacks, the NRC admits that reactor containment buildings were not designed to withstand airliner crashes, and facilities outside of containment buildings including cooling pools for high-level nuclear waste such as those used at the Harris plant are also vulnerable to ground or air attack; and

WHEREAS, a terrorist attack on the Harris nuclear facility could result in catastrophic release of radiation that could kill or incapacitate countless North Carolina residents and poison the environment long into the future; and

WHEREAS, news reports indicate that Homeland Security Director Tom Ridge has encouraged State governors to increase police presence at nuclear facilities and that governors in at least seven states have ordered National Guard personnel to duty to enhance security; and

WHEREAS, Progress Energy's Carolina Power & Light continues to transport high level nuclear waste between plants, thereby creating unnecessary potential targets of opportunity for terrorists; and

WHEREAS, contingency plans for remedial actions and for evacuations from areas other than the immediate vicinity of the Harris plant, areas which include the Town of Carrboro, appear to be limited, generally untested, and not well-publicized; and

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WHEREAS, there are feasible measures to decrease the likelihood for attacks, including cessation of nuclear waste transports and a halt to increasing the stockpile of nuclear waste at the Harris facility; and

WHEREAS, there are feasible measures that could prevent or dramatically reduce the potential consequences in case of attacks, including the use of dry cask storage of waste and lower density racking if cooling pools are used; and

WHEREAS, protection of public health and safety is a responsibility that must be shared by Progress Energy, CP&L, local, state and federal officials, and the public;

NOW, THEREFORE BE IT RESOLVED THAT the Carrboro Board of Aldermen does hereby support the minimization of risks associated with potential terrorist attacks at the Harris plant and other regional nuclear facilities to the maximum extent possible; and does hereby support measures that would decrease the attractiveness of nuclear facilities as potential targets, decrease the potential loss of life in the event of attack, and upgrade evacuation and emergency response and resources; and

BE IT FURTHER RESOLVED THAT the Carrboro Board of Aldermen does hereby urge the Governor to deploy National Guard forces, as has been done in at least seven other states, to increase the level of security at nuclear facilities; and

BE IT FURTHER RESOLVED THAT the Carrboro Board of Aldermen does hereby urge that Progress Energy's CP&L be required to share in the burden of these increased safety measures.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of November, 2001:

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

Noes: None

Absent or Excused: Michael Nelson and Jacquelyn Gist

Alderman Dorosin thanked everyone who participated in the "Make a Difference Day", especially Charles House, Wendell Rodgers, Carol Rosemond, M.C. Peterson, and the Public Works staff.

PUBLIC HEARING/ORDINANCE AMENDING THE CARRBORO TOWN CODE TO REGULATE THE USE OF AND INTERFERENCE WITH PUBLIC STREET RIGHTS-OF-WAY

The purpose of this item was to consider and receive public comment on an ordinance that revises Articles I and II of Chapter 7 of the Town Code, primarily to deal with the issues raised by the possibility that various telecommunications providers will seek to lay their lines within town streets.

Michael Brough, Town Attorney, made the presentation.

Alderman Spalt requested that a requirement to provide maps be added.

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Scott Gardner with Duke Power stated that Duke's working relationship with the Town has been good. He said that Duke Power is exempt from the proposed encroachment permit because it is a franchise utility as defined by state statute. He did believe that maps would be useful because they are created in a manner only useful to Duke. However, the Town and residents can use NC One Call.

Jerry O'Keefe, Director of External Relations for PSNC Energy, stated the ordinance is unclear about to whom the ordinance applies and that it should spell out those companies. He requested an exemption from the encroachment permit because PSNC pays an excise tax based on consumption as defined by state statute. PSNC Energy has maps available or the Town and residents can use NC One Call.

Ed Penny, Bellsouth Director of Corporate and External Affairs, stated that the encroachment permit and fee structure are cumbersome. He stated that Bellsouth is exempt from the proposed ordinance because it pays a franchise fee.

Edwin Nelson, Director of the Chapel Hill/Carrboro Chamber of Commerce, asked the Board to clarify what objectives it is attempting to achieve with the ordinance. He stated that the Chamber is available to bring interested parties together to discuss various topics prior to them reaching the Board.

Michael Brough will provide a second draft of the proposed ordinance.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO LEAVE THE PUBLIC HEARING OPEN FOR FURTHER DISCUSSION. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON AND GIST)

REPORT ON COST OF TOWN SERVICES

The Annual Action Agenda includes an item calling for the examination of the cost of town services generated by new residential development to determine if it pays for itself. Since new development is diverse in terms of value and type, an examination of cost and revenue trends over a 20-year period is provided. This report summarizes the audited expenditures made by the Town of Carrboro over this time period in order to assist in visualizing trends associated with the cost of providing services. Likewise, audited revenue source and valuation trends help to identify how the Town of Carrboro pays for its services. The Administration recommended that the Board of Aldermen adopt a resolution accepting this report.

Roy Williford, Planning Director, made the presentation.

Alderman Zaffron requested staff to determine the value of commercial and residential property and compare the value to the cost of providing services to commercial and residential properties. He stated it would be helpful to compare these figures with other jurisdiction using a standard measure, i.e., per square foot.

Alderman Dorosin suggested that there is a need for public education on property values and the use of average values to establish a break-even point.

Alderman McDuffee requested that categories be further refined, i.e., single-family v. multi-family, etc. She also requested a copy of the graphs and charts that were not included in the agenda and additional information that would show how increased solid waste and technology costs and the new fire station and positions would change the formula.

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

A RESOLUTION ACCEPTING A REPORT ON THE COST OF TOWN SERVICES

Resolution No. 60/2001-02

WHEREAS, The Town of Carrboro adopted an annual action agenda for 2001-2002 on March 27, 2001;

WHEREAS, The Action Agenda includes an item number 22 calling for a report on the cost of town services;

WHEREAS, The action agenda states that this report should examine what services cost for new residential development, counting only things the Town pays for (infill v. new development); determine if development pays for town services; and

WHEREAS, A report has been prepared in response to the annual action agenda.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board accepts the report entitled: "The Cost of Town Services".

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of November, 2001:

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

Noes: None

Absent or Excused: Michael Nelson and Jacquelyn Gist

REVIEW OF FIVE-YEAR PLAN FORMAT

The Management Services Department, as requested within the FY01-02 Action Agenda, presented a revised five-year plan format for Board review and comment. This plan, in its revised format, will be updated and presented at the FY02-03 Board Planning Retreat in January 2002.

Bing Roenigk, Assistant Town Manager, made the presentation. She will present the model at the Board's second retreat.

TOWN CODE AMENDMENT/PARKING ON MULBERRY STREET

The Board of Adjustment, in the course of reviewing a Special Use permit application for the Mulberry Street Condominiums, requested that the Board of Aldermen consider limiting/restricting on-street parking along Mulberry Street. An ordinance amending Chapter 6 of the Town Code to establish such parking limitations was recommended for the Board's adoption.

Trish McGuire, Planning Administrator, made the presentation. She will check to determine if a conservation easement is needed for the boulder pile.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY MARK DOROSIN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN

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CODE TO SPECIFY PARKING LIMITATIONS ON MULBERRY STREET." VOTE: AFFIRMATIVE SIX, ABSENT TWO (NELSON AND GIST)

RESOLUTION OPPOSING THE TRANSFER OF IMPERVIOUS SURFACE CAPACITY IN THE WATERSHED

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

A RESOLUTION OPPOSING THE TRANSFER OF IMPERVIOUS SURFACE CAPACITY IN THE WATERSHED Resolution No. 71/2001-02

Section 1. The Carrboro Board of Aldermen oppose any extension of existing, very limited provisions in the

this 20th day of November 2001:

BE IT RESOLVED BY THE BOARD OF ALDERMEN: Land Use Ordinance, that allow transfer of impervious surface capacity in the watershed. The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Allen Spalt, Alex Zaffron Noes: None Absent or Excused: Michael Nelson and Jacquelyn Gist ****** Alderman Broun requested a procedure on what happens when an applicant goes before an advisory board. ***** Alderman Zaffron requested that staff draft a letter for the Mayor signature to NCDOT reiterating the Board's position regarding improvements to Estes Drive. ***** MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO ADJOURN THE MEETING AT 10:28 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON AND GIST) *****

Mayor Deputy Town Clerk