

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 26, 2002 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

CONNECTOR ROADS POLICY

Frank Hanes expressed disappointment in the town's ability to fairly enforce the connector roads policy in the Horne Hollow development.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE MARCH 19, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

MID-FEBRUARY TO MID-MARCH ACTIVE PROJECTS REPORT

The Zoning Division of the Town of Carrboro is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period of February 16, 2002 through March 15, 2002 was presented.

REQUEST TO SET A PUBLIC HEARING FOR CLUB NOVA APARTMENT BUILDING CONDITIONAL USE PERMIT

Mr. Giles Blunden, with Blunden-Piesse Architects, representing the OPC Foundation, has submitted an application for a Conditional Use Permit (CUP) to allow a Combination Use (Use 27.000) at 103 West Main Street. The request consists of twenty-four (24) single-room occupancy (SRO) units (Use 1.340), 1,600 square feet of retail space (Use 2.110), and 2,043 square feet of office space (Use 3.110). 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 April 9, 2002, for consideration of the conditional use permit request.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST
FOR THE CLUB NOVA APARTMENT PROJECT LOCATED AT 103 WEST MAIN STREET
Resolution No. 107/2001-02

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 Club Nova Apartment Building project.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on April 9, 2002 to consider the conditional use permit request for the Club Nova Apartment Building project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of March, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

RECOGNITION OF DONATIONS TO THE TOWN FOR THE PURCHASE OF CLOCKS FOR THE CENTURY CENTER

The Chapel Hill-Carrboro Chamber of Commerce spearheaded a fundraising project to purchase and install two exterior clocks for the Carrboro Century Center tower. The Chamber has received \$12,176 in donations. The Board was requested to adopt a resolution of appreciation thanking businesses, community residents, and friends for their contributions. In addition, a budget amendment was requested to acknowledge the donations and to appropriate the funds for the purchase of the clocks.

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

A RESOLUTION OF APPRECIATION
FOR DONATIONS RECEIVED FOR THE PURCHASE
OF CLOCKS FOR THE TOWER OF THE CENTURY CENTER
Resolution No. 118/2001-02

WHEREAS, the following businesses and citizens have given donations to the Town of Carrboro to purchase clocks for the tower of the Carrboro Century Center:

Allen Spalt
Alan and Maxine Stern
Thomas Graham
Arlon Kemple and Karen Elizabeth Long
Bud Matthews, Inc.

Carolina Cleaners
Central Carolina Bank
Chapel Hill Herald
Chapel Hill News
Chapel Hill Tire Company
Chapel Hill-Carrboro Chamber of Commerce
CSBS Business Services, LLC
DeVine Write
Diana Whittinghill Steele and Willow Hill Preschool
Dr. James and Irene Scatliff
Dr. R. Alan and Irene Briggaman
Dr. Theresa Robinson, DDS
First Citizens Bank
Friends of the Century Center
Jay Bryan
In Memory of Carroll Amanda Kyser (anonymous donor)
In Memory of Ruth White (anonymous donor)
In Memory of Wallace J. Hendry (anonymous donor)
John Sipp and Associates
Keith Dixon Building Company
Mary-Dean and Jeff Barringer
Noreen Depies Ordroneau
PSNC Energy
RBC Centura
Redstone Realty
Space Builders
The Laughing Turtle
Top of the Hill
Wachovia
Weaver Street Realty

WHEREAS, these donations will enable the Town of Carrboro to enhance the appearance of the Carrboro Century Center by placing two clocks on the towers of this historic building.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the businesses and citizens named above for their generous donations.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to each donor and the donors' names will be recorded on two plaques at the Century Center.

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 26th day of March, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2001-02 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

APPOINTMENT TO THE MORGAN CREEK VALLEY ALLIANCE

The Board of Aldermen was requested to consider appointing Allen Spalt to serve as the town's representative on the Morgan Creek Valley Alliance.

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

A RESOLUTION APPOINTING ALLEN SPALT
TO SERVE AS THE TOWN OF CARRBORO'S
REPRESENTATIVE ON THE MORGAN CREEK VALLEY ALLIANCE
Resolution No. 119/2001-02

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

Section 1. The Board of Aldermen hereby appoints Allen Spalt to serve as the Town of Carrboro's representative on the Morgan Creek Valley Alliance.

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 26th day of March, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

CHARGES ISSUED

Charges were issued to Kathryn Rose and Karen Current, recent appointees to the Human Services Commission.

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO PROVIDE NOTICE TO NON-OWNER OCCUPANTS

The Board of Aldermen has set a public hearing to receive comment on proposed changes to the notification requirements for public hearings on permits, rezonings and other decisions. The Administration recommended that the Board of Aldermen adopt the proposed ordinance to include a non-owner occupant notice provision in

conjunction with the adoption of a resolution amending the Miscellaneous Fees and Charges Schedule, FY 2001-2002, to include a Resident Notification Mailing fee.

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

John Steinhurst encouraged the Board to execute this new policy.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PROVIDE THAT PUBLIC HEARING NOTICES SHALL BE SENT TO NON-OWNER OCCUPANTS AS WELL AS OWNERS OF AFFECTED PROPERTIES.” VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION AMENDING THE MISCELLANEOUS FEES AND CHARGES SCHEDULE
REGARDING CHARGES FOR MAP PRODUCTS AND SERVICES
Resolution No. 121/2001-02

WHEREAS, the Carrboro Board of Aldermen seeks to ensure the costs for products and services are fair and adequate.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen:

Section 1. The Miscellaneous Fees and Charges Schedule is amended as follows:

Addition of an item within the Land Use Permit fees section of the fee schedule as follows:

Resident Notification Mailing	\$30.00 + .50/per resident address
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Section 2. That the town staff track the costs of mailing and try to minimize costs.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of March, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION/CARRBORO PLAZA SHOPPING CENTER

Orange County ABC Store has submitted an application for a modification to an existing Conditional Use Permit (CUP) of Carrboro Plaza Shopping Center with an ABC Store that was originally issued on February 27, 1983. The modification to the CUP is to allow an addition to the existing ABC Store (Use 2.110) at 106 Highway 54 Bypass. This addition to the existing one-story building will be used for wholesale sales (Use 2.130) and will be a 2,000 square foot addition to the existing 4,000 square foot building. The applicant requested that the Board of Aldermen consider, deliberate, and make a decision on the modification to the existing Conditional Use Permit.

James Thomas, one of the town's Zoning Specialists, was sworn in. Mr. Thomas made the staff presentation.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, this permit shall be void and of no effect.

VOTE: AFFIRMATIVE ALL

WORKSESSION ON THE ADEQUATE PUBLIC SCHOOL FACILITIES MEMORANDUM OF UNDERSTANDING AND ORDINANCE

The purpose of this item was to provide the Board of Aldermen with a presentation and review of the "Schools Adequate Public Facilities Memorandum of Understanding" (MOU) and the accompanying "Adequate Public School Facilities Ordinance"(Ordinance). The memorandum and ordinance were approved by the Schools and Land Use Council on 11/14/01 and submitted by the Chair, Alice M. Gordon, for consideration on 2/8/02. A member of the Orange County Planning Staff will be in attendance to demonstrate a computer spreadsheet of a standard formula to be used in the implementation of the "Adequate Public School Facilities Ordinance". Following the presentation and discussion, the Board of Aldermen may wish to consider the adoption of a resolution accepting the report.

Craig Benedict and Aaron Cain, with the Orange County Planning Department, made the presentation and answered the Board's questions.

Allen Spalt also addressed the Board of Aldermen concerning this matter.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION ACCEPTING A REPORT ON:
Adequate Public School Facilities Memorandum of Understanding and Ordinance
Resolution No. 122/2001-02

WHEREAS, the Town of Carrboro, through its representation on the Orange County Schools and Land Use Council, has been working cooperatively with the Town of Chapel Hill, the Town of Hillsborough, Orange County, the Chapel Hill/Carrboro School District and the Orange County School District to create a policy and an ordinance that will promote a balance among anticipated student enrollment and school capacity;

WHEREAS, adequate schools support the high quality of education that serves as a linchpin to the quality of life throughout Orange County;

WHEREAS, the Attorneys/Planning Directors/School Administrators (APS) Work Group as requested by the Orange County Schools and Land Use Council, worked over the past three years to develop an Adequate Public School Facilities Memorandum of Understanding and Ordinance;

WHEREAS, the Orange County Schools and Land Use Council on November 14, 2001 unanimously recommended approval of an Adequate Public School Facilities Memorandum of Understanding and model Ordinance;

WHEREAS, the Town received a report and explanation of the associated documents and mathematical models; and

WHEREAS, information regarding school capacity and projected student membership indicate that sufficient school facilities may not be available for the issuance of CAPS within the next few years;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that:

1. They have received and accept the report on the Adequate Public School Facilities Memorandum of Understanding and Ordinance.
2. The staff is instructed to work with Orange County, Chapel Hill and the Chapel Hill Carrboro City Schools, to obtain information that will assure the Town that sufficient school capacity will be available to allow CAPS to be issued upon the adoption of the MOU and Ordinance.
3. That the staff will provide additional information in the form of a recommendation from the Schools and Land Use Councils that includes:
 - i. The adopted Orange County CIP (Capital Investments Plan) that will achieve the objectives of the proposed MOU, i.e. is financially feasible, synchronized with historical growth patterns, and provides a realistic plan for the construction of schools such that the school membership within each school level (elementary, middle and high school) does not exceed building capacities adjusted to provide for the issuance of CAPS by the Chapel Hill Carrboro City Schools as prescribed by the MOU and Ordinance;
 - ii. A projected growth rate for student membership (students registered on November 15 of each year) within the School District's three levels during the ten year life of the CIP (Orange County Capital Investment Plan);
 - iii. A methodology for determining the projected growth rate for student membership; and

- iv. The number of students at each level expected to be generated by each new housing type (i.e., the “student generation rate”);
 - v. Ten-year projections for needed schools;
 - vi. Mechanism whereby the County Commissioners would consult with other jurisdictions upon an annual review of the model.
4. All additional information will be provided in a future work session for further consideration by the board.
 5. The Board of Aldermen expresses concern over the lack of attention given to the provision of year-round schools.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of March, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

It was the consensus of the Board to send a letter to the School Board requesting their consideration of year-round schools to reduce the need for construction of additional schools.

A REQUEST TO APPROVE BUDGET FORMAT FOR FY02-03 RECOMMENDED BUDGET

The Town, due to the poor state economy and the continued withholding of revenues by the Governor, is facing one of its most challenging budgets ever. The purpose of this agenda item was to present a proposed format for the 2002-2003 Recommended Budget document.

Mr. Morgan recommended that the Board stay with the budgetary format used in previous budgets with a continuation budget and a proposed change budget.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO USE THE SAME BUDGETARY FORMAT AS IN PAST YEARS WITH A CONTINUATION BUDGET AND A PROPOSED CHANGE BUDGET. VOTE: AFFIRMATIVE ALL

RESOLUTION APPROVING THE SUBMISSION OF THE 2002 ASSISTANCE TO FIREFIGHTERS' GRANT

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE
2002 ASSISTANCE TO FIREFIGHTERS' GRANT
Resolution No. 126/2001-02

WHEREAS, the Federal Emergency Management Agency's United States Fire Administration has published in the Federal Register the interim final rule covering the \$360 million 2002 Assistance to Firefighters' Grant Program; and

WHEREAS, the grant program is designed to improve the safety and health of the nation's fire service and the communities they serve; and

WHEREAS, the Town of Carrboro is facing severe budgetary limitations because of an economic downturn and the State withholding revenues; and

WHEREAS, this grant provides the town's fire department with an opportunity to pursue \$80,478 to purchase equipment; and

WHEREAS, the grant requires a nonfederal cost share equal to ten percent (10%) where the population served is 50,000 or less; and

WHEREAS, this amount equals \$8,942.00.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board approves the submission of the 2002 Assistance to Firefighters' grant.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of March, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

LETTER TO CHAPEL HILL/STORMWATER UTILITY

Mayor Nelson provided a draft of a letter to Mayor Foy and the Chapel Hill Town Council for the Board's review.

The Board authorized Mayor Nelson to forward the letter to the Town of Chapel Hill.

ADAMS PROPERTY

Mayor Nelson stated that a representative of the Triangle Land Conservancy had contacted the Adams family concerning the possibility of selling the Adams Tract. The Adams family is asking \$2 million for this property and it has been appraised at \$850,000.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 10:35 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk