

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 7, 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
Deputy Town Clerk	Richard White
Town Attorney	Michael B. Brough

TOWN POET LAUREATE

Catherine Devine, Arts Committee stated that the search for a Town Poet Laureate was announced last week. She read the criteria.

HOME OWNERS OF THE TRANSITION ZONE

Kim, representing Home Owners of the Transition Zone (HOTZ), read the organization's mission statement.

Scott Williams encouraged the Board to review the Facilitated Small Area Plan. HOTZ opposes the proposed Winmore development.

CARRBORO DAY

Mayor Nelson thanked everyone who organized and participated in Carrboro Day.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE APRIL 23, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

QUARTERLY REPORTS FOR THE QUARTER ENDING MARCH 31, 2002

The purpose of this item was to present to the Mayor and Board of Aldermen quarterly reports for the quarter ending March 31, 2002.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE REPORTS. VOTE: AFFIRMATIVE ALL

MANAGER'S RECOMMENDED BUDGET FOR FISCAL YEAR 2002-03

The Board, prior to adopting the FY2002-03 budget ordinance, is required by GS 159-15 (b) to schedule a public hearing. The public hearing is designed to receive community input on the Manager's recommended budget for fiscal year 2002-03.

Bob Wright, with the Carrboro Day Committee, thanked everyone who helped with Carrboro Day. He requested that the Board continue to fund Carrboro Day.

Marty Mandell stated that Hillsborough Road will be great. She stated that it is admirable that Chris Peterson has all Public Work employees ride the garbage trucks once a year. High taxes are not sustainable. She made four recommendations. 1) Adopt SAPFO 2) Implement a home business license fee. A Chapel Hill study revealed that a broad commercial tax base does not guarantee low taxes. 3) Carrboro needs more neighborhood protection and enhancements. 4) Reduce duplication by increasing partnering through economic development, research and analysis (Bolin Creek), and grant writing efforts.

CONDITIONAL USE PERMIT REQUEST: MIXED USE PROJECT/114 MERRIT MILL ROAD

Giles Blunden and Steven Addy have submitted an application for a Conditional Use Permit for construction of a mixed-use building located at 114 Merritt Mill Road. The CUP, if approved, would allow the construction of a three (3) story mixed-use building with associated parking and landscaping. The uses of the proposed building will be a combination of 19 single room occupancy dwelling units and 2 office spaces. The Board of Aldermen must consider the Conditional Use Permit application and either approve, approve with conditions, or deny the request.

Jeff Kleveland, the town's Planner/Development Specialist, was sworn in and made the presentation.

Giles Blunden, Project Architect, was sworn in. He stated that the elevator is not required. One accessible unit on the first floor is required.

James Carnahan, a resident of 122 Oak Street, was sworn in. He stated that he is glad to be living in the community. The project fills a niche in the downtown and he would like to see more similar projects.

Ken Holland was sworn in. He stated that his family owns Meineke Muffler Shop on Main Street. He also stated that he is concerned about the water running into basin. He spoke of previous instances when sewage overflowed. He is looking for assurance that the water overflowing will not be a problem. He asked Mr. Chan to be careful about whom he rents to ensure that there is one occupant per room.

Lance Holland was sworn in. He stated he has dealt with this issue for many years. He proposed that the water is taken to the street and a curb installed.

Henry Wells, with Sungate Designs and the town's engineer, was sworn in. He explained the drainage system. He stated that he does not think diverting the water to the street is a good option.

Steve Addy, the developer's engineer, was sworn in. He pointed out the drainage lines on the map.

A lady, who lives above the Marathon Restaurant building across the street from the proposed building, was sworn in (name not stated). She stated that she had lived in the Marathon Restaurant building for six years. She said she is pleased to see the building going up and would like to see a few more because rent is so high. She stated that this housing provides dignity, privacy, and pride.

Ellen Perry was sworn in. She suggested that an intercom system or phone be placed downstairs so that guests can call up to residents.

Francis Chan, the developer, was sworn in. He stated that the drainage system is sufficient.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON 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 MARK DOROSIN 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 MARK DOROSIN AND SECONDED BY JOAL HALL BROUN THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED 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, then this permit shall be void and of no effect.
3. The applicant shall provide a correct lighting plan to limit the level at the property line to .2 foot-candles per the requirements of Section 15-243 of the Land Use Ordinance.
4. That the applicant revise the plan to include "parking provided".
5. That the plans be revised to read "Conditional Use Permit" instead of "Special Use Permit".
6. That the construction plans show the location of the three satellite parking spaces at the adjacent lot (owned by the applicant) located at 111 N. Merritt Mill Road, further identified as Tax Map 7.92.B.3, PIN number 9788064201.
7. That the applicant provide proof that the satellite parking spaces are an encumbrance upon the property where they are located for as long as this conditional use permit is active.

8. That the applicant pave and stripe the satellite parking spaces per the requirements of the Land Use Ordinance.
9. That the applicant provide effective maintenance of the bio-retention facility to ensure that it performs as designed and intended.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO VILLAGE MIXED-USE AND OFFICE/ASSEMBLY DEVELOPMENTS

This was a public hearing to receive comments on proposed changes to the Land Use Ordinance relating to village mixed-use and office/assembly developments. The administration recommended that the Board of Aldermen adopt the proposed ordinance

Patricia McGuire, the town's Planning Administrator, made the presentation.

Giles Blunden expressed concern about changing the ordinance before having a project. He stated that having the context of a specific design and its relationship to the surroundings would be helpful in understanding these amendments.

Shirley Marshall spoke in support of the traditional neighborhood development ordinance. She requested that the Town research the best surface for elderly mobility, i.e., wheel chairs, etc. then mandate that surface for all areas.

Brian Voice, a resident of Northern Transition Area and HOTZ member, spoke against the amendments. He made the following suggestions:

- Minimum distance in village for village connector roads – 1,000 feet
- Minimum distance from floodplain – 1,200 feet
- Include limit on overall village density and size and place in application
- Include impact fees to reduce taxes
- Limit transitional buffer
- Pass SAPFO with teeth

Ellen Perry requested that a requirement for an intercom system be built into the ordinance.

Julie Andresen, a Chapel Hill resident, expressed concern about the amount of impervious surface.

Bob Chapman, a developer, invited the Board and residents to look at Trinity Heights in Durham.

Jay Bryan, chair of Northern Transition Advisory Board, requested that staff revise the numbering of the advisory board recommendations. He reviewed some of the advisory board's recommendations.

David Markowitz, a resident of the Northern Transition area, stated he is concerned about not fully understanding what the text amendments will mean.

The Board continued this public hearing until May 28, 2002 in order to allow the Planning Board to complete its review of the proposed amendment.

APPOINTMENTS TO ADVISORY BOARD

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

A RESOLUTION MAKING APPOINTMENTS TO
CARRBORO ADVISORY BOARDS
Resolution No. 120/2001-02

WHEREAS, there are terms on advisory boards that expire in February of each year; and

WHEREAS, those individuals whose terms expire in 2002 were sent notices thanking them for their service and asking them to complete an application form if they were interested in being re-appointed; and

WHEREAS, these seats were also advertised and applications were received; and

WHEREAS, all applications were forwarded to the chairs of the various advisory boards for review and recommendation.

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

Section 1. The following appointments are made to the town’s advisory boards:

BOARD	TYPE OF TERM	APPOINTEES
Board of Adjustment	In-Town	Greg Shepard Shirley Marshall
Planning Board	In-Town	Stan Babiss Ranee Haven O’Donnel Britt Ludwig
Appearance Commission/NPDC	N/A	Wendy Wenck Charles Morton
Transportation Advisory Board	N/A	Deborah Freed Elizabeth Shay Chris van Hasselt
Recreation and Parks Commission	In-Town	Marianne Nicholson
Recreation and Parks Commission	Out-of-Town	James Kempe
Cable T.V. Committee	Time Warner Representative	Virginia Yopp
Cable T.V. Committee	N/A	Steve Small
Cemetery Commission	In-Town	Wallace Womble Boyd Ellington
Downtown Development Commission	N/A	Shelley Higgins Mitchell Virchick

		Peter Lee Brian Plaster Mariana Fiorentino James Morgan
Environmental Advisory Board	N/A	Rickie White Scott Pohlman Keith Burwell

Section 2. Those individuals who are currently serving and who were not re-appointed will be recognized for their service.

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 7th day of May, 2002:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Diana McDuffee.

A RESOLUTION REQUESTING AN APPOINTMENT TO AN
EXTRATERRITORIAL PLANNING AREA SEAT
ON THE CARRBORO PLANNING BOARD
Resolution No. 143/2001-02

WHEREAS, as a result of a vacancy, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's extraterritorial planning area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial planning area members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an extraterritorial planning area seat on the Carrboro Planning Board, whose term would expire in February 2004:

Mr. Frank Hammill
2003 Camden Lane
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 7th day of May, 2002:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Diana McDuffee.

A RESOLUTION REQUESTING AN APPOINTMENT TO AN
EXTRATERRITORIAL PLANNING AREA SEAT
ON THE CARRBORO BOARD OF ADJUSTMENT
Resolution No. 148/2001-02

WHEREAS, as a result of a term expiration, it is necessary to appoint a person to a seat reserved on the Carrboro Board of Adjustment for persons residing within the town's extraterritorial planning area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial planning area members to the town's Board of Adjustment.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an extraterritorial planning area seat on the Carrboro Board of Adjustment, whose term would expire in February 2005:

Dr. James Dingfelder
215 Wild Turkey Trail
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 7th day of May, 2002:

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

Noes: None

Absent or Excused: None

The Board requested that the Town Attorney draft the appropriate ordinance in order to increase the membership of the Environmental Advisory Board by one position.

DISCUSSION OF LEGISLATIVE ISSUES

At the April 16, 2002 Board meeting, Alderman Zaffron requested that the town staff arrange a meeting with the local legislative delegation to discuss the impact of the State budget crisis. The Mayor and Board of Aldermen will meet with the delegation on May 13th. The purposes of this agenda item was: 1) to request that the Board of Aldermen adopt a resolution requesting that municipal revenue sources be made secure; and 2) to identify the issues that the Mayor and Board of Aldermen wish to discuss with the delegation.

Mr. Morgan requested that the Mayor and Board of Aldermen adopt a resolution requesting that municipal revenues resources be protected. In addition, he suggested that the Board might wish to discuss the following with the legislative delegation:

1. The possibility of giving local government units the authority to enact a menu of revenue options including a prepared meal tax, a property transfer tax, and an occupancy tax with broader expenditure options.
2. Accelerating the conversion for the half-cent sales tax and reimbursement swap.
3. Authorization to dissolve the cemetery fund that was established to provide perpetual care monies.

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

A RESOLUTION REQUESTING THAT MUNICIPAL REVENUE
SOURCES BE MADE SECURE
Resolution No. 149/2001-02

WHEREAS, the Town of Carrboro is required by North Carolina law to operate and maintain a balanced budget and comply with the provisions of the Local Government Budget and Fiscal Control Act; and

WHEREAS, the Town of Carrboro is required to maintain a sufficient fund balance to operate in a fiscally sound manner and to have adequate reserves in case of emergencies; and

WHEREAS, the municipal officials of the Town of Carrboro have a responsibility to provide for the health, safety and well being of the citizens of this community by providing necessary services; and

WHEREAS, the ability of municipal governments to borrow for capital infrastructure needs is dependent on reliable revenue sources for repayment; and

WHEREAS, adequate municipal revenue sources are required to carry out the above-mentioned responsibilities.

NOW, THEREFORE, THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO
HEREBY RESOLVE:

Section 1. The Board of Aldermen respectfully requests that the N.C. General Assembly enact legislation that will secure the municipal revenue sources and ensure that these revenues are distributed to local governments on a timely basis as set forth by the State's General Statutes.

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 7th day of May, 2002:

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

Noes: None

Absent or Excused: None

DUMPSTER FEE COLLECTION FEE

Mayor Nelson requested that Glenn Cassidy's letter be provided to the Board during the budget worksession discussion on dumpster fee collection.

PARKING RESTICTIONS ON LAUREL AVENUE EXTENSION

Mayor Nelson requested that staff prepare a recommendation to restrict parking on Laurel Avenue Extension during Farmers' Market hours.

INFORMATION ON RECREATION POINTS

Mayor Nelson requested that an excerpt from the Land Use Ordinance pertaining to recreation points be provided to the Board members in the Friday agenda packet.

SUGGESTION BOXES

Alderman Dorosin requested that a note be placed in paychecks stating that suggestion boxes exists for town employees.

REQUEST FOR INFORMATION ON SERVICE LEVEL BENEFITS

Alderman Dorosin requested a one-page memo explaining the service level benefit and how much money is involved.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk