

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 14, 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

### **CITIZEN REQUESTS**

Ronald Hyatt, made the following requests:

- Decide whether alley between 401 Weaver Street and Sparrow Plumbing is an alley, street, or driveway and put it in writing
- Hold a public hearing when zoning changes from residential to commercial
- Listen to requests when a house changes to office space
- Post demolition notice two weeks prior
- Provide the builder's name and phone number
- Survey property before construction
- Have plats available so others can review and determine if parking is provided.

The Board requested that staff provide a report on these concerns and work with Mr. Hyatt on parking issues. The Board asked that Mr. Hyatt be notified when the report is made.

\*\*\*\*\*

### **QUALITY OF EDUCATION**

Donald McDonald, a Carrboro resident and University professor, spoke in favor of the School Adequate Public Facilities Ordinance.

\*\*\*\*\*

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY ALEX ZAFFRON TO APPROVE THE MAY 7, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

### **A MINOR MODIFICATION TO THE TOWN HALL TELECOMMUNICATIONS TOWER CONDITIONAL USE PERMIT**

Jay Zaragoza, representing Cingular Wireless (formerly doing business as BellSouth Telecommunications Incorporated), has applied for a minor modification to the Town Hall Telecommunications Tower Conditional

Use Permit located at 301 West Main Street. The Town Hall Telecommunications Tower CUP was issued on June 9, 1998 and was last amended on June 20, 2000 (to allow BellSouth Telecommunications, Inc. to replace three antennas with three smaller panel antennas (as well as equipment at ground level). The proposed minor modification consists of adding six panel antennas to the tower as well as installing additional equipment on the existing concrete pad at ground level. Per Section 15-176 (15) of the Land Use Ordinance (LUO), any substantial change to an existing tower must be approved through the minor modification process. The Administration requested that the Board of Aldermen review the request and make a decision regarding the minor modification.

The Board postponed this item until May 21. Staff will provide a copy of the lease agreement and a history of Board discussions on cellular towers.

\*\*\*\*\*

**PUBLIC HEARING/CONTINUATION OF THE PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT RELATING TO AFFORDABLE HOUSING PROVISIONS**

On April 23, 2002, the Board of Aldermen received public comments on a draft ordinance that modifies the permitted locations for and applicable setbacks to projects utilizing the affordable housing density bonus. The Board continued the public hearing to review additional information.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST 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 CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO AFFORDABLE HOUSING, WITH THE DELETION OF SECTION 2" VOTE: AFFIRMATIVE ALL

Alderman Dorosin asked that an expedited review process be put into place for projects that meet the criteria for affordable housing.

Alderman Broun asked that the Town's OWASA representatives be invited to speak about expediting OWASA'S review of desirable projects..

\*\*\*\*\*

**ADEQUATE PUBLIC SCHOOL FACILITIES MEMORANDUM OF UNDERSTANDING AND ORDINANCE**

This item provided the Board of Aldermen with an opportunity to receive a brief presentation and public comment on the "Schools Adequate Public Facilities Memorandum of Understanding" (MOU) and the accompanying "Schools Adequate Public Facilities Ordinance"(SAPFO).

Roy Williford, the town's Planning Director, made the presentation.

Matthew Barton, legislative liaison for McDougale School PTA, stated that the Board can moderate sudden spikes in enrollment caused by new development. He encouraged the Board to pass the MOU.

Brian Boyce, Northern Transition Area resident and parent of Seawell School students, urged the Board to pass the MOU, but believes the impact on enrollment will occur before the ordinance takes effect. He stated that the

Board has three options: 1) put its head in the sand; 2) raise taxes to pay for schools; or 3) help control the timing of growth by not increasing the density.

Gloria Faley, Chapel Hill/Carrboro School Board member speaking as a resident, stated that affordable housing needs to be put together by the boards. She stated that the School Board has not seen the resolution regarding year-round tracking. Staff development and day care make year round schools difficult. SAFPO will provide the ability to handle growth in a more controlled manner.

Nancy Salmon, Northern Transition Area resident, encouraged the Board to adopt SAPFO which provides for the orderly construction of schools. The affordability of housing will be an issue regardless of SAPFO. She encouraged the Board to pass the ordinance.

Aaron Nelson, Chapel Hill/Carrboro Chamber of Commerce Executive Director, supports linking the growth of schools with housing. He proposed that the Board look at increasing the service levels to 120, 114, and 110 and the 300 threshold number.

Allen Spalt, Carrboro resident, stated that SAPFO is a way to smooth growth. He urged the Board to pass the ordinance.

Judy Margolis, of SOS, requested that the Board keep the proposed service levels and vote in favor of the ordinance. She read a letter from another Carrboro resident who supports the ordinance.

Carolyn Miller, parent of Chapel Hill/Carrboro students, urged the Board to pass the MOU.

Lisa Stuckey, Chapel Hill/Carrboro School Board member speaking as a resident, spoke in support of the MOU and pointed out some difficulties with year-round schools.

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

A RESOLUTION ACCEPTING A REPORT ON:  
Adequate Public School Facilities Memorandum of Understanding and Ordinance  
Resolution No. 145/2001-02

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, the Town Attorney will need to prepare a Land Use Ordinance amendment that incorporates the essential components of the model ordinance;

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

1. The Board approves the Schools Adequate Public Facilities Memorandum of Understanding (MOU) subject to the approval of an Orange County CIP that will provide building capacity sufficient to accommodate the projected school membership and subject to adjustments to the building capacity limits under section 1 of the MOU.
2. The Town Attorney is requested to prepare SAPFO as a text amendment to the Carrboro Land Use Ordinance.
3. The staff is instructed to prepare an agenda item that provides for: a review of the ordinance, sets a public hearing, and refers the MOU and Ordinance to Orange County for review and to the Carrboro Planning Board for consideration and recommendation.
4. That the MOU be amended to add the following new language at the end of Section 9: "However, Carrboro intends to remain committed to the MOU only so long as the County continues to execute the CIP as agreed in the MOU. If the Carrboro Board of Aldermen finds that the County is no longer in compliance with the CIP as outlined in this MOU, Carrboro will no longer consider itself bound by this MOU and may consider repealing the ordinance referenced in Section 2"
5. That the second sentence of Section 1.d of the MOU be amended to read as follows: "Before making any such change, the Board shall consult with the governing boards of the Towns and shall receive and consider the recommendation of a staff committee consisting of the planning directors of the Towns and the County and a representative of the School District appointed by the Superintendent."

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of May, 2002:

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

Noes: Mark Dorosin

Absent or Excused: None

Alderman McDuffee requested that the Managers, Attorneys, and Planning Directors make a recommendation for adjustments to building capacity limits under Section 1 of the MOU.

\*\*\*\*\*

### **A REQUEST TO ESTABLISH A DOWNTOWN PARKING TASK FORCE**

The purpose of this item was for the Mayor and Board of Aldermen to consider establishing a Downtown Parking Task Force, to approve the charge for the task force, and to make appointments to the task force.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman John Herrera.

### **A RESOLUTION ESTABLISHING A DOWNTOWN PARKING TASK FORCE**

WHEREAS, the Board of Aldermen held a work session on April 9, 2002 to discuss the Economic Development Tool Box Action Plan from the Downtown Visioning process; and

WHEREAS, the Board has expressed its interest in establishing a Downtown Parking Task Force and has directed the town staff to develop a charge for the task force and a list of potential task force members; and

WHEREAS, that charge and list of task force members has been reviewed by the Board of Aldermen.

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

Section 1. A Downtown Parking Task Force is hereby established.

Section 2. The following charge is approved for the Downtown Parking Task Force:

- To identify and review options for public parking, cooperative and shared parking; the construction of public/private facilities, including location and financing; and to make recommendations on these topics to the Board of Aldermen.

Section 3. The membership of the Downtown Parking Task Force shall consist of the following members:

- Sherman Richardson and Laura Vansant - (Main Street Partners)
- Nathan Millian - Carr Mill Mall
- Jay Parker - Weaver Street Realty
- Joe and Shirley Jones – Madden Property 100 Block
- Demier Williford - Carrboro Business Association
- Scott Markham - Chamber of Commerce
- Bill Rogers – Property Owner
- Jack Haggerty – Architect
- Bill Spang - Developer
- A representative of the Planning Board
- A representative of the Transportation Advisory Board
- James Morgan and Mariana Fiorentino – Downtown Development Commission
- James Harris and Dale McKeel – staff liaisons

Section 4. The Downtown Parking Task Force shall provide monthly status reports to the Board of Aldermen beginning in August 2002 with a final report presented to the Board of Aldermen by October 1, 2002.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th 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

Alderman Gist requested that the Task Force include some residents.

The Board requested that the town staff advertise for interested citizens.

\*\*\*\*\*

**A REQUEST TO ENDORSE A MEMORANDUM OF UNDERSTANDING WITH THE N.C. DIVISION OF WATER QUALITY WETLANDS RESTORATION PROJECT**

The North Carolina Wetlands Restoration Program has invited the Town to participate in a local watershed planning project. A memorandum of understanding has been prepared. A resolution authorizing the Mayor to endorse the MOU was recommended for the Board's adoption.

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

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WETLANDS RESTORATION PROGRAM**

Resolution No. 141/2001-02

WHEREAS, the Carrboro Board of Aldermen is committed to protecting the local watersheds, and,

WHEREAS, the North Carolina Wetlands Restoration Program (NCWRP) is interested in restoring and protecting the wetlands, creeks, streams and unnamed tributaries within the New Hope Creek Drainage area (which includes the Town of Carrboro), and,

WHEREAS, NCWRP has invited the Town of Carrboro to partner in a local watershed assessment and restoration project to assess the Carrboro watershed, select potential restoration projects, and follow up with implementation and monitoring of selected projects, and,

WHEREAS, NCWRP and Town staff have prepared a Memorandum of Understanding to provide guidance for the project.

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

Section 1. The Board hereby authorizes the Mayor to execute the Memorandum of Understanding to guide watershed assessment and restoration efforts under contract by the NCWRP on behalf of the Town of Carrboro.

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 14th 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

\*\*\*\*\*

**2025 REGIONAL TRANSPORTATION PLAN UPDATE**

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is currently updating the long-range transportation plan for the region. This memorandum provided a review of the status of the 2025 Transportation Plan.

Dale McKeel, the town's Transportation Planner, made the presentation.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

**A RESOLUTION RECEIVING THE REPORT ON THE  
2025 REGIONAL TRANSPORTATION PLAN**  
Resolution No. 144/2001-02

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to review regional transportation policy, and;

WHEREAS, the Town of Carrboro has participated in regional transportation planning as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization since the mid-1980s, and;

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is currently updating the 2025 Regional Transportation Plan.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen have reviewed the report provided by the Planning Staff.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen receives the report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th 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

Since, the public comment period occurs during the Board's summer break, Alderman Zaffron will request that the Metropolitan Planning Organization allow additional time (60 days) for the comment period.

Alderman Broun requested a memo discussing the relationship between projects on the regional long-range plan and the local TIP requests..

Alderman Herrera would like to aggressively pursue buses that use cleaner fuel.

Alderman McDuffee suggested that the Town join Chapel Hill in pursuing alternative fuel vehicles.

\*\*\*\*\*

**COUNTY'S WATER SUMMIT**

The Manager asked if any Board members will attend the Orange County Water Summit scheduled for Thursday, May 16th from 4:00-8:00 p.m.

The Mayor asked the Manager to convey to the County that the meeting time is inconvenient and too long.

\*\*\*\*\*

**DUMPSTER FEE**

The Manager informed the Board that the information session for businesses owners regarding the proposed dumpster fee is scheduled for Wednesday, May 22.

\*\*\*\*\*

**TOWN HALL DAY**

The Manager stated that Town Hall Day is scheduled for June 11 and encouraged Board members to attend. He asked that Board members let him know if they are interested in serving as a Lobbyist of the Day.

Alderman Broun requested information on the projected economic recovery prior to the meeting.

\*\*\*\*\*

**RECREATION POINTS DISCUSSION**

Alderman Broun asked staff to schedule a discussion on recreation points.

\*\*\*\*\*

**E. MAIN STREET AND LLOYD TRAFFIC SIGNAL**

Alderman Herrera thanked the Manager and Dale McKeel for the update on the E. Main Street and Lloyd street light. He asked that the town staff find out the exact date that the light will be operational.

\*\*\*\*\*

**LOCAL REVENUE PROTECTION**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO REITERATE ITS REQUEST TO THE LOCAL LEGISLATIVE DELEGATION TO CO-SPONSOR LEGISLATION TO PROTECT LOCAL REVENUE. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN AT 10:40 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

---

Mayor

---

Deputy Town Clerk