

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 8, 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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE OCTOBER 1, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO CANCEL THE NOVEMBER 5TH BOARD MEETING

The Mayor and Board of Aldermen were requested to consider adopting a resolution canceling the November 5, 2002 meeting of the Board of Aldermen. This action was necessary due to the Election being held on that date.

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

A RESOLUTION CANCELLING THE NOVEMBER 5, 2002
MEETING OF THE CARRBORO BOARD OF ALDERMEN
Resolution No. 35/2002-03

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

Section 1. The Mayor and Board of Aldermen hereby cancel the November 5, 2002 meeting of the Carrboro Board of Aldermen. This action is necessary due to the Election being held on this date.

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 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING FOR THE OLD FARMERS' MARKET OFFICE BUILDING CONDITIONAL USE PERMIT

N.R. Milian Associates, on behalf of Carr Mill Limited Partnership, have submitted an application for a major modification to an existing Conditional Use Permit to allow for the construction of a three-story mixed-use office building to be located at 300 Roberson Street. Pursuant to the Land Use Ordinance, a major modification to a conditional use permit shall be processed as an application for a new conditional use permit. The administration requested that a public hearing be scheduled for October 22, 2002 for consideration of this 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 OLD FARMER'S MARKET OFFICE BUILDING PROJECT LOCATED AT 300 ROBERSON STREET
Resolution No. 38/2002-03**

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 Old Farmer's Market Office Building project located at 300 Roberson Street.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on October 22, 2002 to consider the conditional use permit request for the Old Farmer's Market Office Building project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

Alderman Broun requested more background information prior to the October 22nd public hearing.

REQUEST TO SET A PUBLIC HEARING FOR THE TWIN MAGNOLIAS CONDOMINIUMS CONDITIONAL USE PERMIT

Williams Construction Company, Inc. has submitted an application for a Conditional Use Permit to allow a condominium development, consisting of a single-family dwelling (Use 1.111) and two-family dwelling apartment buildings (Use 1.241) at 107 Jones Ferry Road. 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 22, 2002 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 TWIN MAGNOLIAS CONDOMINIUMS PROJECT
LOCATED AT 107 JONES FERRY ROAD
Resolution No. 39/2002-03

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 Twin Magnolias Condominiums project located at 107 Jones Ferry Road.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on October 22, 2002 to consider the conditional use permit request for the Twin Magnolias Condominiums project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

FIDO PET STORE

Alderman Dorosin welcomed a new store to downtown Carrboro - Fido Pet Store. He stated that owner was unaware of the town's Revolving Loan Fund and suggested better outreach.

MAKE A DIFFERENCE DAY

Alderman Dorosin announced the Annual *Make A Difference Day* on October 26th and invited anyone interested in volunteering to attend.

PRESENTATION OF THE DOWNTOWN PARKING TASK FORCE REPORT

The purpose of this item was to present the *Parking Task Force Report* to the Board of Aldermen. The administration recommended that the Board of Aldermen accept the report and refer it to the town staff, Transportation Advisory Board and the Downtown Development Commission for review and comments.

Jack Haggerty, Downtown Parking Task Force member, made the presentation.

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

A RESOLUTION ACCEPTING THE PARKING TASK FORCE REPORT
Resolution No. 33/2002-03

WHEREAS, the Mayor and Board of Aldermen established a Parking Task Force on April 9, 2002; and

WHEREAS, Sherman Richardson, Laura Van Sant, Jay Parker, Joseph Jones, Shirley Jones, Nathan Millian, Demuir Williford, Scott Mainland, Bill Rogers, Jack Haggerty, Bill Spang, Mariana Fiorentino, James Morgan, Scott Smith, Mitchell Virchick, Stan Babiss, Dale McKeel, James Harris, and Alex Zaffron (Board Liaison) were appointed to the task force; and

WHEREAS, the Parking Task Force was given the charge of reviewing options for locating public parking, cooperative and shared parking, construction of public/private facilities and the provision of recommendations on these topics to the Board of Aldermen. The task force was also charged with researching, identifying, and providing ideas on the concept of privately owned and operated parking facilities in the downtown and providing monthly reports on the progress of the task force; and

WHEREAS, the Parking Task Force received its charge and met over the summer and collected and analyzed data and formulated a report with recommendations to improve parking in the downtown.

NOW THEREFORE THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES:

Section 1. The Board accepts the report and refers it to the town staff, Transportation Advisory Board and the Downtown Development Commission for review and comments.

Section 2. The Board directs staff to develop an implementation and monthly reporting schedule with ordinance revisions and other regulatory changes that can be implemented quickly being listed first on the schedule.

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 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

Alderman Gist requested that the report be referred to the Environmental Advisory Board.

Mayor Nelson requested that during FY 2003-04 budget discussions that the Board considers shifting funds from gross receipts to a parking trust fund. He also requested that the Board have a discussion of on-street parking, sidewalks, and bike paths in other parts of town at a later time.

Alderman McDuffee suggested that the Transportation Advisory Board discuss on-street parking, sidewalks, and bike paths in other parts of town.

REVOLVING LOAN FUND REQUEST: CRAZIE MAE'S

The purpose of this item was to present to the Board of a Aldermen a request for a Revolving Loan from Karlin Mills and Linda Bourne, principals of Karlin's, Inc., doing business as Crazie Mae's, in the amount of \$75,000 at a rate of 4%. The administration recommended approval of the loan in the amount of \$75,000 for a period of 10 years at an interest rate of 4% contingent upon the applicants securing a lease with Southern Railroad for a three-year period with an option to renew for two additional three-year periods.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman John Herrera.

A RESOLUTION APPROVING A REVOLVING LOAN
FOR KARLIN, INC.
Resolution No. 31/2002-03

WHEREAS, Karlin Mills and Linda Bourne are the principles and Shareholders of Karlin's, Inc., and on behalf of Karlin's, Inc. have applied for a loan from the Town of Carrboro's Revolving Loan Fund in the amount of \$75,000.00 at 4% interest for 10 years to expand their restaurant located at 201-C East Main Street; and

WHEREAS, the applicants have met the criteria for the loan by being located in the Town of Carrboro, creating at least one (1) job per \$10,000 borrowed, having contributed more than a dollar-for-dollar match for the money requested from the Town, and documenting a clear ability to repay the loan based upon documents submitted; and

WHEREAS, the applicants will offer as collateral the ground lease from Norfolk Southern Railroad, all equipment, personal signatures, and three (3) train cars situated on the ground lease area in which they operate the business; and

WHEREAS, the applicants will negotiate for and have a letter of commitment in hand for the ground lease from the rail road, which ground lease shall authorize the conditional assignment of the ground lease to the Town of Carrboro as collateral for the loan contemplated and authorized by this resolution prior to the release of the loan proceeds; and

WHEREAS, the applicants have all applicable permits from the Carrboro Zoning Office

NOW THEREFORE THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES:

Section 1. The applicants have met the requirements for the loan under the RLF Program and have met all requirements to receive the necessary permits from the Zoning Division to operate the business in the Town of Carrboro.

Section 2. The Manager is authorized to have the Town Attorney's office prepare all necessary documents and issue a loan in the amount of \$75,000.00 at an interest of rate 4% for a term of 10 years. The collateral for the loan will be the conditional assignment of the ground lease for the applicant's business location in Carrboro, a first security interest in the three (3) train cars in which the applicant operates its business and all of the restaurant equipment, personal guarantees of the indebtedness by Karin Mills and Linda Bourne, and designation of the Town of Carrboro as a beneficiary, to the extent of the outstanding indebtedness on the loan authorized by this Resolution, on life insurance policies covering Karin Mills and Linda Bourne .

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 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

REPORT AND REQUEST TO SET A PUBLIC HEARING: NORTHERN TRANSITION AREA STREAM BUFFERS

The Board of Aldermen requested a text amendment to make the Northern Transition Area buffers applicable regardless of a property's inclusion within the Town limits. A draft ordinance amending the NTA buffer provisions has been prepared. The Administration recommended that the Board of Aldermen set a hearing date of November 19 to receive public comment on the draft ordinance.

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

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE TO MAKE THE NTA BUFFER STANDARDS APPLICABLE TO PROPERTIES THAT ARE ANNEXED AFTER SEPTEMBER 1, 2002
Resolution No. 34/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that a public hearing be set for November 19, 2002 on "An Ordinance Amending the Carrboro Land Use Ordinance to Apply the Northern Transition Areas Buffer Standards to Properties Within That Area That Are Annexed After September 1, 2002."

BE IT FURTHER RESOLVED that the draft ordinance be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board and Transportation Advisory Board for comment and recommendations to the Board.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

REPORT: DOWNTOWN DEVELOPMENT COMMISSION'S REVIEW OF BUILDING HEIGHTS ORDINANCE

A public hearing on text amendments related to building heights, active recreational facilities and sidewalk widths in the downtown was scheduled for August 20th. At the request of the Downtown Development Commission and other interested parties, the hearing was delayed in order to allow additional time to review the draft ordinance. The Administration recommended that the Board of Aldermen receive the memorandum presenting review comments and specify any revisions to the draft ordinance.

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

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

A RESOLUTION SPECIFYING FOLLOWUP TO A DDC SUBCOMMITTEE REVIEW
OF A LAND USE ORDINANCE TEXT AMENDMENT RELATING TO BULDING HEIGHTS,
ACTIVE RECREATIONAL FACILITIES AND SIDEWALK WIDTHS IN
DOWNTOWN ZONING DISTRICTS
Resolution No. 25/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen receives the DDC recommendations, and;

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that Town staff prepare revisions to the draft ordinance, "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Building Heights, Active Recreational Facilities Requirements, and Sidewalk Width Requirements in Downtown Commercial Zoning Districts" to address the DDC subcommittee's comments.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of October, 2002:

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

Noes: Jacquelyn Gist

Absent or Excused: None

Alderman Zaffron pointed out that 10-foot step-back setback option be added to the draft ordinance.

Alderman Herrera requested the amount of square footage that would be gained by the draft ordinance.

Alderman Gist requested a list of participants who drafted the ordinance and if there were participants from affected neighborhoods. She also requested that prior to the public hearing, less complicated language be provided and concrete examples of what could happen on specific streets.

Alderman Zaffron requested that the ordinance draft be prepared incorporating the recommendations of the Downtown Development Commission.

Alderman Broun suggested that topography be taken into account in determining how buildings look from different locations. She also suggested that different recreational points be set up for the downtown area.

A RESOLUTION MAKING AN APPOINTMENT TO THE MORGAN CREEK TRAIL CONCEPTUAL PLAN COMMITTEE

The Chapel Hill Town Council has requested that the Carrboro Board of Aldermen designate one of its members to serve on the Morgan Creek Trail Conceptual Plan Committee. The administration requested that the Board consider making this appointment.

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION MAKING AN APPOINTMENT TO THE
MORGAN CREEK TRAIL CONCEPTUAL PLAN COMMITTEE
Resolution No. 37/2002-03**

WHEREAS, the Chapel Hill Town Council has formed a committee to work with NCDOT and the Town of Chapel Hill to plan and design a 10-foot wide asphalt and/or concrete multi-use path from Culbreth Road to Smith Level Road, with additional access to the Merritt Pasture; and

WHEREAS, the Chapel Hill Town Council is asking that the Carrboro Board of Aldermen identify one of its members to serve on this committee.

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

Section 1. The Mayor and Board of Aldermen hereby appoint Alderman Jacquelyn Gist to serve as the Carrboro Board of Aldermen's representative on the Morgan Creek Trail Conceptual Plan Committee.

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 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

JOINT PLANNING PUBLIC HEARING

The Town Attorney stated that it would not be a problem for the Board to receive citizen comments at the Joint Planning Public Hearing on October 9th concerning the proposed Winmore development.

DISCUSSION OF TRAFFIC CALMING IN TRAMORE WEST

In response to issues raised by the Town Attorney at the September 24, 2002 meeting of the Board of Aldermen, Mayor Michael Nelson requested that a Board of Aldermen discussion be held on traffic calming devices in the Tramore West development. The Town Attorney presented a report to the Board.

HORACE WILLIAMS COMMITTEE APPOINTEES

Mayor Nelson requested that the Town Clerk advertise the Horace Williams Committee citizen appointee positions.

RESOLUTION OPPOSING UNILATERAL U.S. ACTION IN IRAQ

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Mark Dorosin.

A RESOLUTION EXPRESSING OPPOSITION TO
UNILATERAL U.S. ACTION IN IRAQ
Resolution No. 40/2002-03

WHEREAS, President Bush is asking the United States Senate and House of Representatives to authorize a preemptive war on Iraq; and

WHEREAS, based on current information, no proven linkage has been made between the horrific terrorist attack on the World Trade Center on September 11, 2001 and the government of Iraq; and

WHEREAS, many knowledgeable individuals, including former U.N. Chief Weapons Inspector Ritter, have disputed the President's contention that Iraq possesses weapons of mass destruction that could be a danger to the United States; and

WHEREAS, while the Saddam Hussein regime is a danger to his own people and neighboring nations in the Middle East, the President has not demonstrated that Iraq is an immediate threat to this country; and

WHEREAS, the U.S. needs the moral and strategic support of the U.N. Security Council, the Arab States, and others to eradicate terrorism; and

WHEREAS, this support would be undermined by our unilateral action; and

WHEREAS, diplomatic solutions have not been exhausted and the international community has not lent its support for war against Iraq; and

WHEREAS, a war with Iraq will jeopardize the lives of American soldiers and will kill many innocent Iraqi civilians who have already suffered enormously under Saddam Hussein's rule and United Nations sanctions; and

WHEREAS, a war with Iraq would threaten to further destabilize the Middle East, possibly leading to a wider, regional war and increased support for Al Qaeda and other groups dedicated to terrorism, making the citizens of the United States and the world less safe; and

WHEREAS, a war will cost billions of dollars and could stall the U.S. economy, prolonging and deepening the current recession.

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

Section 1. That absent new evidence or events that dramatically change the present situation, the Board of Aldermen urges the N.C. congressional representatives and senators (Senator John Edwards, Senator Jesse Helms and Congressman David Price) and candidates for the office of Senate, to vote against the proposed resolution in Congress that would allow the President to declare war on Iraq.

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 8th day of October, 2002:

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

Noes: None

Absent or Excused: None

TOWN LOGO DISCUSSION

Alderman Herrera presented a proposal to replace the Town of Carrboro logo with an updated logo.

It was the consensus of the Board to discuss this matter on October 22nd.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:12 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk