A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 11, 2003 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
Interim Town Manager/	Michael B. Brough
Town Attorney	
Town Clerk	Sarah C. Williamson

CLUB NOVA APARTMENTS

Giles Blunden stated that Club Nova needs construction plan approval by April 1st. He stated that the building size would be increased by eight feet, and asked for the town's assistance in expediting review of the construction plans.

Marty Roupe, the town's Zoning Administrator, suggested that the constructions plans be submitted as soon as possible in order to give time for review to meet the April 1st deadline. He stated that an increase in the building size would require a minor modification to the conditional use permit.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE FEBRUARY 4, 2003 MINUTES. VOTE: AFFIRMATIVE ALL

AWARD OF A CONTRACT FOR STORM DAMAGED TREE REMOVAL SERVICES

The purpose of this agenda item was to award a contract for tree work and tree removal services for the Town of Carrboro. The Town received five responses to the town's request for quotes. The administration recommended that the Board award the contract to Five Oaks Builders Inc., from Madisonville, KY.

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

A RESOLUTION AWARDING A CONTRACT FOR STORM DEBRIS REMOVAL Resolution No. 100/2002-03

BE IT RESOLVED by the Board of Alderman that a contract is awarded for the following:

(1) Award the contract to Five Oaks Builders for a combined estimated cost of \$8,870.00 for tree removal services for the Town.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of February, 2003:

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

Noes: None

Absent or Excused: None

APPOINTMENT TO THE PLANNING BOARD

The Mayor and Board of Aldermen were requested to consider appointing Heidi Paulsen to a vacant in-town seat on the Planning Board.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE PLANNING BOARD Resolution No. 102/2002-03

WHEREAS, there is currently one vacant in-town seat on the Planning Board ; and

WHEREAS, this position was advertised and applications were received from: Heidi Paulsen, Jack Haggerty, Andrew Pearson and David Collins; and

WHEREAS, the Chair of the Planning Board is recommending that Heidi Paulsen be appointed to the vacant in-town seat on the Planning Board; and

WHEREAS, the remaining applicants will be considered for appointment later this month when the Board of Aldermen will be asked to consider advisory board appointments for terms expiring in February 2003.

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

Section 1. The Board of Aldermen hereby appoints Heidi Paulsen to a seat on the Planning Board. Ms. Paulsen's term shall expire in February 2006.

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 11th day of February, 2003:

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

Noes: None

Absent or Excused: None

<u>A RESOLUTION DESIGNATING AN AGENT TO EXECUTE FEMA APPLICATIONS AND</u> <u>FORMS ON BEHALF OF THE TOWN OF CARRBORO</u>

Several North Carolina counties were declared disaster areas because of the effects of the December 4, 2002 winter storm. The Town of Carrboro is located in Orange County, which is one of the counties designated within this disaster area. As part of the process for receiving disaster funds from FEMA, the Board must approve a resolution designating an agent to act on behalf of the Town to apply for funds. The Board was requested to adopt a resolution authorizing Jan Bryant-Berry, Purchasing Officer/Risk Manager, as the town's agent.

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

DESIGNATION OF APPLICANT'S AGENT RESOLUTION Resolution No. 107/2002-03

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

Section. The Board of Aldermen hereby authorizes Jan Bryan-Berry, Purchasing Officer/Risk Manager, to execute for and on behalf of the Town of Carrboro, a public entity established under the laws of the State of North Carolina, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

Section 2. The Town of Carrboro, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

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 11th day of February, 2003:

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

Noes: None

Absent or Excused: None

PUBLIC HEARING/DRAFT STORMWATER MANAGEMENT PLAN AND PERMIT APPLICATION

State rules require that all municipalities with a population greater than 10,000 apply to be covered by a permit for stormwater management under the Federal Clean Water Act. To meet the requirements of the rules, the Town must submit a plan that identifies actions that will be taken over the course of the next five years to improve stormwater management. The purpose of tonight's hearing was to receive public input on the measures proposed in the draft stormwater management plan summary. The Administration recommended that the Aldermen direct staff to take public comments into consideration in finalizing the plan to bring back to the Board for consideration on March 4, 2003.

Phil Prete, the town's Environmental Planner, made the presentation.

Alderman McDuffee suggested that disposal of pet waste be included as a part of the public education program.

Alderman Broun suggested that the town staff look at what OWASA is doing as far as stream testing.

Howard Partner, a landscape architect, encouraged the Town to take a holistic approach to new development by using the low impact development approach, and asked that the Town take a look at the Prince Georges County, Maryland low impact development manual and the Huntersville, N.C. stormwater management plan. He encouraged the Town to look at more specifics for water quality, including maintaining stream channel integrity and stream channel quality, minimizing amount of runoff due to development and redevelopment, and look at non-source pollution as more than total suspended solid removal. He also requested that the Town look at possible development incentives for low development techniques to include reduction in impervious surfaces.

Kathy Buck asked that Carrboro develop its own list of plants for BMPs.

Giles Blunden volunteered to assist the Town in educating homeowner associations in maintaining BMPs.

Mayor Nelson requested that the town staff obtain a copy of the Prince Georges County low impact development manual and that education of homeowner associations be included in the appropriate phase of this process.

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

A RESOLUTION TO RECEIVE PUBLIC COMMENT ON PROPOSED ACTIVITIES UNDER THE DRAFT CARRBORO STORMWATER MANAGEMENT PLAN Resolution No. 98/2002-03

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen have received public input on the program elements of the Draft Stormwater Management Plan, and that staff will continue to receive written public comments for two weeks from today.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen direct staff to take into consideration comments of the public, the Planning Board and the Environmental Advisory Board in preparation of a final plan for review by the Aldermen at their March 4, 2003 regular meeting.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of February, 2003:

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

Noes: None

Absent or Excused: None

FOLLOW-UP TO THE WORKSESSION ON THE SMITH LEVEL ROAD IMPROVEMENTS PROJECT

On October 15, 2002, the Board of Aldermen held a joint worksession with the Transportation Advisory Board to discuss the proposed widening of Smith Level Road from Morgan Creek to Rock Haven. Tonight's agenda item provided an opportunity for the Board of Aldermen to have a follow-up discussion on how to proceed. The town staff identified three options for the Board's consideration.

Alderman Broun requested information on when the traffic counts were taken.

Gary Golesky, a resident of the Berryhill neighborhood, expressed concern about closing the access from Willow Oak Lane to Smith Level Road, questioned the validity of traffic projections, need to include park and ride and fare-free buses, lack of improvements to the Frank Porter Graham access, alignment with Carrboro's Vision 202 plan, removal of trees and loss of property of homeowners, increased traffic speeds on 4-lane road, lack of improvements to Morgan Creek bridge, and improvements provided for Chatham Co. residents. He suggested the following changes: make improvements to the Frank Porter Graham access, improve turn-on/turn-out lanes at Culbreth and BPW Club Road onto Smith Level, extend right lane of Smith Level Road past Morgan Creek to Willow Oak, maintain 2-lane road architecture, consider alternative routes from Chatham county, add bikepaths and sidewalks, maintain access from Willow Oak to Smith Level Road, and preserve the treescape along Smith Level Road.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Dorosin.

A RESOLUTION ON THE PROPOSED MODIFICATIONS TO SMITH LEVEL ROAD Resolution No. 94/2002-03

WHEREAS, the N.C. Department of Transportation (NCDOT) has proposed to widen a portion of Smith Level Road, TIP Project U-2803; and

WHEREAS, a public hearing on the proposed widening of Smith Level Road was held on October 25, 2001; and

WHEREAS, the Board of Aldermen has requested that NCDOT provide additional information on the project in response to citizen and town comments;

WHEREAS, on October 15, 2002, the Board of Aldermen held a joint worksession with the Transportation Advisory Board to discuss the proposed widening project; and

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board accepts the report and select Option 2 as identified in the staff report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of February, 2003:

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

Noes: None

Absent or Excused: None

DISCUSSION OF PAY AND COMPENSATION

The purpose of this item was to provide the Board with the opportunity to decide whether to hold a work session on personnel compensation issues and, if so, whether the Board wished to hire a consultant to assist the Board in exploring these issues.

Mayor Nelson stated that he would like for the Board to have a discussion of how the town's pay plan works and why governments adopt pay plans.

Alderman McDuffee stated that she feels the town's pay plan has too many steps and grades, that the Board needs to wait for a new Town Manager before changes are made, feels that department heads should not be included in the pay plan, that the Board needs to consider whether to approve an across-the-board increase or merit raise for 2003-04. She stated that she would probably recommend a merit raise in the 2003-04 budget.

Alderman Herrera stated that he would like for the Board to consider expanding the living wage to contract and part-time employees, and would like information on the cost of that expansion.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO DELAY THIS YEAR'S MARKET STUDY. (Motion withdrawn.)

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

A RESOLUTION AGREEING TO HOLD A WORKSESSION ON PAY AND COMPENSATION Resolution No. 103/2002-03

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro

Section 1. The Aldermen agree to hold an informal work session (un-televised) on March 27, 2003 to discuss the existing pay plan and the impact of merit, cost-of-living and market adjustments.

Section 2. The Aldermen desire to have Bob Crowder lead the discussion at the work session.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of February, 2003:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2002-03 BUDGET ORDINANCE," WHICH ALLOCATES \$8,000 FOR THE MARKET STUDY. VOTE: AFFIRMATIVE ALL

DISCUSSION OF ESTABLISHING A HORACE WILLIAMS ADVISORY COMMITTEE

The purpose of this agenda item was for the Mayor and Board of Aldermen to decide whether to establish a Horace Williams Advisory Committee. The administration recommended adoption of a resolution giving direction on whether to establish such a committee.

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

A RESOLUTION ESTABLISHING A HORACE WILLIAMS ADVISORY COMMITTEE Resolution No. 101/2002-03

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

Section 1. The Mayor and Board of Aldermen express its desire to establish a Horace Williams Advisory Committee. Section 2. The committee should be composed of:

- I member each from the Planning Board, Transportation Advisory Board, Recreation and Parks Commission, Appearance Commission, Environmental Advisory Board, Northern Transition Area Advisory Committee, and Downtown Development Commission
- ➤ 2 members of the Board of Aldermen
- ➢ 3 at-large citizens
- > 2 Carrboro citizen representatives on the UNC Carolina North Advisory Committee
- > 1 member of Chapel Hill's Horace Williams Citizen Committee

Section 3. The charge for the committee is as follows:

To define and advocate for Carrboro's interests and objectives with regard to any plans proposed for the development of the Horace Williams property (Carolina North) including the following topic areas: water and sewer, hazardous waste, stormwater, transportation modes (including transit, bicycle, pedestrian and auto), housing, schools, natural area protection, fiscal equity, and neighborhood interface.

To keep the Mayor and Board of Aldermen informed about the work progress.

To identify points in the process where a public hearing would be appropriate, to bring information to the attention of the community, and provide opportunity for citizen comment.

To prepare recommendations for the Mayor and Board of Aldermen's consideration regarding the University's plan for the Horace Williams property once a proposal is developed.

Section 4. That the town staff advertise for the at-large positions, seek recommendations from the advisory board chairs for their representatives, and send notification of the establishment of the committee to members of the former Carrboro/University Land Use Planning Committee Advisory Board.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of February, 2003:

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

Noes: None

DISCUSSION OF LEGISLATIVE ISSUES

At the February 4, 2003 meeting of the Board of Aldermen, Alderman Zaffron requested that the Board have a discussion of legislative issues prior to the February 19-20 N.C. Metropolitan Coalition meeting. Material distributed by the N.C. League of Municipalities was provided for the Board's review.

The Board of Aldermen indicated interest in the following legislation: project development financing, property tax differential for low-income housing, and uniform local legislation.

SCHEDULING OF BUILDING HEIGHTS ORDINANCE

Mr. Brough presented a timeline for follow-up on the building heights ordinance prepared by the town staff. Mr. Brough stated the Town would need to hire a consultant to prepare graphic illustration of what additional stories would look like from Carr and Maple Streets.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALEX ZAFFRON TO DIRECT THE TOWN STAFF TO PROCEED APACE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

Alderman Gist requested that preparation of proposals for conservation overlay zoning or conditional use district zoning be expedited if possible.

REQUEST FOR UPDATE ON JONES MURDER

Alderman Broun requested an update on the Jones murder investigation.

REQUEST FOR REPORT ON ILLEGAL DUMPING ON LAUREL AVENUE EXTENSION

Alderman Broun requested a report on whether the town's Public Works Department is finding illegally dumped construction materials at the end of Laurel Avenue Extension.

ENFORCEMENT OF LOITERING ORDINANCE

Alderman Broun requested a report on the enforcement of the recently adopted loitering ordinance. She stated that during the past weekend she had noticed individuals drinking beer at the bus shelter on Jones Ferry Road.

LOCATION OF JOINT REVIEW MEETINGS

Alderman Broun suggested that joint review meetings for controversial projects be held at the Century Center rather than at the Town Hall.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 10:40 .P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk