

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 18, 2003 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Jacquelyn Gist
	John Herrera
	Alex Zaffron
Interim Town Manager/	Michael B. Brough
Town Attorney	
Town Clerk	Sarah C. Williamson

Absent:

Aldermen	Diana McDuffee
	Mark Dorosin

**REQUESTS FROM CITIZEN**

Tom High, a resident of Ray Road, requested that an ETJ seat be added to the Transportation Advisory Board. He also asked that the Board consider establishing a Southern Transition Area Committee and suggested that Carrboro work with the school system to plan for a neighborhood park on the site of the new high school.

It was the consensus of the Board to request that the town staff draft the necessary ordinance provisions to provide for an ETJ position on the Transportation Advisory Board. The Board asked the town staff to schedule a Board discussion of establishing a Southern Transition Area Committee and a neighborhood park on the site of the new high school.

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**OPPOSITION TO FRENCH TRADE MONTH**

Beverly Griffin, a native of Carrboro, stated that her dad was a former Carrboro Alderman and served in the military. She stated that she was glad that he was no longer living to see the stand that Carrboro has taken in support of France.

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**CLUB NOVA APARTMENTS**

Giles Blunden said that he was very happy to be a resident of Carrboro. He asked that the Board waive the conditional use permit fee for the Club Nova Apartments project. He also asked that the Board consider amending the land use ordinance to allow alternatives to the required 15-inch reinforced pipe for smaller projects such as Club Nova's. In addition, he asked for the Board's assistance in asking that the county impact tax be waived and that the OWASA tap fee be forgiven.

It was the consensus of the Board to refer the request for the conditional use permit fee waiver and the request for the land use ordinance amendment to the town staff for consideration. In addition, the Board authorized the Mayor to forward letters to the County Commissioners and OWASA asking that the impact tax and tap-on fees be waived.

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**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE MARCH 11, 2003 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, DOROSIN)

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**A MINOR MODIFICATION TO THE CROWN CASTLE TELECOMMUNICATIONS TOWER  
CONDITIONAL USE PERMIT**

AT&T has applied for a minor modification to the Crown Castle Telecommunications Tower (200 Redfoot Drive) Conditional Use Permit located at. The Crown Castle Telecommunications Tower CUP was last amended on April 16, 2002 (to allow the installation of an additional antenna to the tower as well as installing equipment within the existing fenced in area). The proposed minor modification consists of adding a new antenna to the tower as well as installing equipment within the existing fenced in area at the base of the tower. Per Section 15-176 (15) of the Land Use Ordinance (LUO), additional antenna arrays located on existing towers 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 following resolution was introduced by Alderman Alex Zaffron and seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP  
FOR THE CROWN CASTLE TELECOMMUNICATION TOWER  
LOCATED AT 200 REDFOOT DRIVE ALLOWING AT&T  
TO LOCATE AN ANTENNA ON THE TOWER AND INSTALL ADDITIONAL EQUIPMENT  
INSIDE THE FENCED IN AREA AT THE BASE OF THE TOWER  
Resolution No. 121/2002-03

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 200 Redfoot Drive on June 25<sup>th</sup>, 1996; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that adding additional users on a tower shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Crown Castle Conditional Use Permit located at 200 Redfoot Drive allowing AT&T to install an antenna on the tower and install additional equipment within the fenced area at the base of the tower.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of March, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin, Diana McDuffee

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**A REQUEST TO ADOPT A BUDGET ORDINANCE**

The Board was requested to approve a budget amendment transferring \$1,000 from contingency to the Planning Department budget to hire a consultant to prepare a graphic illustration of the impact of the proposed Building Heights Ordinance.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2002-03 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, DOROSIN)

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**A REQUEST TO APPROVE A RESOLUTION OPPOSING ANY CHANGE IN THE REIMBURSEMENT AGREEMENT**

The purpose of this item was to request that the Board of Aldermen approve a resolution that opposes any change to the reimbursement agreement

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

A RESOLUTION OPPOSING ANY CHANGE IN THE  
REIMBURSEMENT AGREEMENT  
Resolution No. 129/2002-03

WHEREAS, the General Assembly authorized the local sales tax option to be levied as early as December 1, 2002 and that the hold harmless funds would be distributed beginning in 2003-04; and

WHEREAS, Governor Michael Easley proposes to change state law to eliminate the hold harmless funds that are scheduled to go into effect July 1, 2003 to offset any differences between proceeds from the new one-half cent local sales tax option and the previous reimbursements as part of his efforts to close the state's projected \$1.1 billion shortfall in revenue; and

WHEREAS his proposal would renege on the agreement made last year when the North Carolina League of Municipalities and the North Carolina Association of County Commissioners agreed to give up the reimbursements for previously repealed local taxes; and

WHEREAS, they agreed to accept authority for a half-cent local sales tax option instead of the reimbursements only if all local governments could be held harmless if the sales tax produced less revenue for any municipality or county than the newly adopted half-cent sales tax; and

WHEREAS, local governments have taken more than their fair share of cuts.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen hereby pass this resolution opposing any change in the reimbursement agreement.

BE IT FURTHER RESOLVED that the Aldermen urge the General Assembly to keep the statute in place unchanged.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of March, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin, Diana McDuffee

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**WORKSESSION TO DISCUSS RECOMMENDATIONS FOR ALTERNATIVE FINANCING MADE BY THE SOLID WASTE ADVISORY BOARD**

The Orange County Solid Waste Advisory Board is charged with reviewing the Comprehensive Solid Waste Management Plan and alternatives to financing the program. The Advisory Board has made recommendations to the County Commissioners for consideration in the 2003 – 2004 budget cycle. The Administration recommended that the Aldermen review the proposed strategies and schedule a hearing to receive public input.

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

Gayle Wilson, Director of the Orange County Solid Waste Department; Bill Rehm, the town's representative on the Orange County Solid Waste Advisory Board; and Jan Sassaman, Chair of the Orange County Solid Waste Advisory Board, answered the Board's questions.

It was the consensus of the Board to request that the resolution that is prepared for the Board's adoption at the April 22<sup>nd</sup> public hearing contain a recommendation that the County Commissioners include relief for low-income families in the fee structure.

The following resolution was introduced by Mayor Michael Nelson and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION REFERRING THE ORANGE COUNTY SOLID WASTE ADVISORY BOARD  
RECOMMENDATIONS ON ALTERNATIVE FINANCING STRATEGIES TO THE  
ENVIRONMENTAL ADVISORY BOARD AND THE PLANNING BOARD  
AND TO SET A PUBLIC HEARING  
Resolution No. 122/2002-03

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 set a public hearing for April 22, 2003 to receive public input on the Orange County Solid Waste Advisory Board alternative financing strategy recommendations; and

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer the recommendations to the Environmental Advisory Board, Downtown Development Commission, and the Planning Board for review and comments.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of March, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin, Diana McDuffee

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**ALTERNATIVE DESIGN FOR THE SMITH LEVEL ROAD IMPROVEMENT PROJECT**

At its February 11, 2003 meeting, the Board of Aldermen discussed the proposed widening of Smith Level Road and reviewed three options identified by town staff. The Board adopted a resolution indicating that the Town will propose an alternative to the four-lane design proposed by NCDOT. The Board requested that town staff prepare for the Board's review a proposed alternative design and justification. A memorandum has been prepared and a resolution was provided for the Board's adoption.

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

A RESOLUTION REQUESTING THAT THE N.C. DEPARTMENT OF TRANSPORTATION  
CONSIDER AN ALTERNATIVE DESIGN FOR THE PROPOSED MODIFICATIONS  
TO SMITH LEVEL ROAD BETWEEN MORGAN CREEK AND ROCK HAVEN ROAD  
Resolution No. 123/2003-04

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

WHEREAS, it is the Board's desire to modify Smith Level Road to the extent that it can safely and effectively accommodate existing and future pedestrian, bicycle, and vehicular traffic; and

WHEREAS, it is important to the Board that such modifications be designed and constructed to minimize disturbance of adjacent properties and maximize the mobility, safety, and access of transit users, pedestrians, and bicyclists; and

WHEREAS, the Board believes that the principles and procedures of Context-Sensitive Design should be incorporated into the development of the project; and

WHEREAS, the Board believes that the principles of Transportation Demand Management should be utilized to reduce the amount of traffic on Smith Level Road; and

WHEREAS, the project proposed by the N.C. Department of Transportation (NCDOT) includes construction of a four-lane, median-divided roadway with two travel lanes in each direction, a raised center median, curb and gutter, bike lanes, sidewalks, and bus pull-offs; and

WHEREAS, the Board believes that a more modest project design could meet the objectives of the Town and the State with regard to Smith Level Road, at a lower cost than the State's proposed option, and with less disturbance of adjacent properties;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board proposes a project design for Smith Level Road that would consist of two travel lanes (one lane in each direction) with intersection improvements, turn lanes, pedestrian crosswalks, and bus pull-offs where necessary; that sidewalks, bike lanes, and curb and gutter be provided on both sides of the roadway; and that a median on portions of the project could provide aesthetic and safety benefits and should be considered.

BE IT FURTHER RESOLVED that the Board understands that the State acquire right-of-way on the basis of a four-lane median divided cross-section to facilitate the design and construction of the project.

BE IT FURTHER RESOLVED that the Board requests that the State reallocate any surplus project funds, which may accrue as a result of a more modest project design to additional pedestrian, bicycle, and vehicular safety and efficiency improvements in the vicinity of Smith Level Road.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of March, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin, Diana McDuffee

The Board requested that a meeting be scheduled with Doug Galyon with the Board of Transportation; Senator Eleanor Kinnaird; Gene Conti, Chief Deputy Secretary of Transportation; Mayor Nelson and Alderman Zaffron to discuss this project.

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### **APPOINTMENTS TO THE HORACE WILLIAMS ADVISORY COMMITTEE**

On February 11, 2003 the Mayor and Board of Aldermen established the Horace Williams Advisory Committee. The purpose of tonight's agenda item was for the Mayor and Board to make appointments to this committee.

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

A RESOLUTION MAKING APPOINTMENTS TO THE  
HORACE WILLIAMS ADVISORY COMMITTEE  
Resolution No. 124/2002-03

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

WHEREAS, the Mayor and Board of Aldermen established a Horace Williams Advisory Committee on February 11, 2003; and

WHEREAS, The committee is to be composed of:

- 1 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

WHEREAS, the town staff advertised the three at-large positions and received applications from Nathan Milian, Cynthia Adams, and Dianne Reid; and

WHEREAS, advisory board chairs have designated their representatives.

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

Section 1. The Mayor and Board of Aldermen make the following appointments to the Horace Williams Advisory Committee:

Planning Board	Randee Haven-O'Donnell
Transportation Advisory Board	Heidi Perry
Recreation & Park Commission	Evie Odom
Appearance Commission	Catherine Devine
Environmental Advisory Board	Keith Burwell
Northern Transition Area Advisory Committee	Jay Bryan
Downtown Development Commission	Brian Plaster
Board of Aldermen	Mike Nelson Diana McDuffee
Three (3) Citizens At-Large	Dave Otto Dianne Reid Kathy Buck
Two (2) Carrboro Citizen Representatives on the UNC Carolina North Advisory Committee	Allen Spalt Rich Bell
One (1) Member of Chapel Hill's Horace Williams Citizen 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 18th day of March, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin, Diana McDuffee

The Board agreed that the town's Community and Economic Development Director should serve as a staff liaison to this committee.

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**ADVISORY BOARD RECOGNITION DINNER**

The Town Clerk stated that the Advisory Board's Recognition Dinner is scheduled for Wednesday, March 19<sup>th</sup> at 6:30 p.m. at the Century Center.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO  
ADJOURN THE MEETING AT 9:15 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE,  
DOROSIN)

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Mayor

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Town Clerk