

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

RESOLUTION SUPPORTING PUBLIC GALLERY APPLICATION FOR PTFP FUNDING

Ruffin Slater, on behalf of the Public Gallery of Carrboro, requested that the Board adopt a resolution supporting the Public Gallery's application for PTFP funding for a community radio station.

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

A RESOLUTION SUPPORTING AN APPLICATION OF THE
PUBLIC GALLERY OF CARRBORO TO RECEIVE PTFP FUNDING
FOR A COMMUNITY RADIO STATION
Resolution No. 143/2002-03

WHEREAS, the Town of Carrboro would benefit from having a community public radio station in Carrboro; and

WHEREAS, the Town of Carrboro, due to its high percentage of Hispanic and Latino residents, would benefit from having radio programming in Spanish; and

WHEREAS, the Public Gallery of Carrboro, a Carrboro non-profit, has received a construction permit from the FCC to start a Low-Power FM radio station with the call sign WCOM; and

WHEREAS, WCOM will offer locally originated news, public affairs, and music programming, and programming in Spanish, that is unavailable in Carrboro; and

WHEREAS, the Public Gallery of Carrboro has applied to the Public Telecommunications Facility Program of the U.S. Department of Commerce for funding to meet these underserved needs.

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

Section 1. The Board of Aldermen hereby expresses its support of the application of the Public Gallery of Carrboro, Inc. to the PTFP program, to receive funding for equipment to start WCOM.

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 April, 2003:

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

Noes: None

Absent or Excused: None

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO APPROVE THE MARCH 25, 27 AND APRIL 1, 2003 MINUTES. VOTE: AFFIRMATIVE ALL

REPORT ON THE RECONSTRUCTION OF WEAVER STREET

The Board requested at its January 2003 Planning Retreat that the Administration submit the proposed Weaver Street Reconstruction Project to them as an item for discussion. The administration recommended adoption of a resolution that recommends re-examination of this project in the spring of 2004 when the downtown circulation study is completed.

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

A RESOLUTION RECOMMENDING THE RE-EXAMINATION OF
THE WEAVER STREET RECONSTRUCTION PROJECT
IN THE SPRING OF 2004
Resolution No. 133/2002-03

WHEREAS, the Board of Aldermen requested a discussion of the Weaver Street Reconstruction Project at its January 2003 Planning Retreat; and

WHEREAS, the Public Works Department has coordinated with the Town Engineer, Henry Wells, to determine the current condition of the asphalt on Weaver Street; and

WHEREAS, it is determined that the reconstruction can wait until the spring of 2004 without further deterioration of the street; and

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen, that the Aldermen re-examine the Weaver Street Reconstruction Project in the spring of 2004 when the downtown circulation study is completed.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of April, 2003:

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

Noes: None

Absent or Excused: None

A REQUEST TO SET A PUBLIC HEARING ON A STREET CLOSING REQUEST

Ben Pace of Armadillo Grill has submitted a Street Closing Permit Application for the temporary closing of Roberson Street beside Armadillo Grill from the stoplight at East Main Intersection to north side of Roberson Street public parking lot driveway on May 10, 2003 from 10:00 a.m. until 9:00 p.m.

In accordance with Section 7-19 of the Town Code, a Public Hearing must be held to receive public input prior to issuing a Street Closing Permit.

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

A RESOLUTION SETTING A PUBLIC HEARING ON
A STREET CLOSING REQUEST
Resolution No. 141/2002-03

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that April 22, 2003 at 7:30 p.m. is hereby set as the date for a Public Hearing on the request that Roberson Street beside Armadillo Grill from the stoplight at East Main Intersection to north side of Roberson Street public parking lot driveway be closed from 10:00 am to 9:00 pm on May 10th to accommodate Armadillo Grill's 10 year anniversary party.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of April, 2003:

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

Noes: None

Absent or Excused: None

A REQUEST TO APPROVE THE 2003 TIME WARNER CABLE FCC1240 & FCC1205 RATE FILINGS

Time Warner Cable of Raleigh-Durham (Time Warner) has submitted FCC 1240 Updating Annual Maximum Permitted Rates filings for Regulated Cable Services with the Town. The Cable Television Consumer Protection and Competition Act of 1992, the Federal Telecommunications Act of 1996, the Town Code, and regulations adopted pursuant to that Code, permit the Board of Aldermen to regulate rates for basic cable services and associated equipment. Bob Sepe, a consultant with Action Audits, has reviewed Time Warner Cable's 2003 cable television rate filings. The purposes of this item were to request that the Board 1) receive public comments; 2) adopt Mr. Sepe's report as its own; and 3) approve the rate order.

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Diana McDuffee.

A RESOLUTION TO APPROVE THE 2003 TIME
WARNER CABLE FCC1240 & FCC1205 RATE ORDER
Resolution No. 135/2002-03

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

Section 1: The Board of Aldermen has received public comments on the Time Warner Cable FCC1240 & FCC1205 Rate Filing for 2003;

Section 2: The Board of Aldermen adopts the report on the Time Warner Cable FCC1240 & FCC1205 Rate Filing for 2003 as its own;

Section 3: The Board of Aldermen approves the basic tier rate and hourly service charge adjustments.

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 April, 2003:

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

Noes: Joal Hall Broun, Jacquelyn Gist

Absent or Excused: None

DECISION: LAND USE ORDINANCE TEXT AMENDMENT RELATED TO BUILDING HEIGHTS, SIDEWALK WIDTHS, AND RECREATION FACILITIES REQUIREMENTS

A public hearing on Land Use Ordinance amendments related to building heights sidewalk widths, and recreation facilities requirements in downtown zoning districts was held on February 4, 2003 and continued to March 25, 2003. The Board of Aldermen closed the public hearing and delayed action on the proposed ordinance until tonight's meeting.

Mayor Nelson suggested that the Board review the B-1(g) zone to determine whether some properties in that zone should be rezoned to B-2. That all taller buildings be CUPs, establish an historic district downtown, continue to work towards a substantial parking study, pull setback provisions.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "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," AS AMENDED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO REQUEST THAT THE TOWN STAFF REVIEW THE B-1(C) AND B-1(G) ZONING DISTRICTS AND PROVIDE A RECOMMENDATION AS TO WHETHER SOME OF THE PROPERTIES LOCATED IN THOSE DISTRICTS SHOULD BE REZONED TO B-2, THAT THE TOWN STAFF CONSIDER THE ENVIRONMENTAL ADVISORY BOARD'S RECOMMENDATION THAT PARKING IN THE DOWNTOWN BE STUDIED, AND THAT THE TOWN STAFF BRING BACK A REPORT TO THE BOARD ON THE POSSIBLE ESTABLISHMENT OF AN HISTORIC DISTRICT IN THE DOWNTOWN. VOTE: AFFIRMATIVE ALL

**REQUEST FOR MINOR MODIFICATION TO THE CLUB NOVA APARTMENT BUILDING
CONDITIONAL USE PERMIT**

Mr. Giles Blunden, representing OPC Foundation, has submitted an application for a Minor Modification to the Conditional Use Permit (CUP) issued to the OPC Foundation on April 9, 2002 for the Club Nova Apartment Building. The proposed Minor Modification involves slight changes to the building and site.

Jeff Kleaveland, one of the town's Zoning Specialists, made the presentation.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR
THE CLUB NOVA APARTMENT BUILDING LOCATED AT 103 WEST MAIN STREET
ALLOWING OPC FOUNDATION TO USE A SLIGHTLY REDESIGNED BUILDING
AND ASSOCIATED SITE PLAN IN CONSTRUCTION OF THE
APPROVED 24 UNIT APARTMENT BUILDING
Resolution No. 137/2002-03

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Club Nova 24-unit Apartment Building on 103 West Main Street on April 9th, 2002; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes 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 contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the minor modification to the Club Nova Apartment Building on 103 West Main Street allowing OPC Foundation to use a slightly redesigned building and associated site plan in construction of the approved 24-unit Apartment Building with the following conditions:

1. That the Board finds that the proposed boardwalks constructed of the composite decking material meet the following requirements per the provisions of Section 15-221(f) of the Land Use Ordinance:

- a) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- b) Such walkways would be more environmentally desirable.

2. That the Board finds that 17 parking spaces shall continue to be required for the project due to the project's proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and complementary hours of operation between the office and retail uses.

3. That the Board finds that the proposed deviation from town standards, permitting the applicant to use a smaller diameter plastic pipe instead of the required 15" Reinforced Concrete Pipe along the eastern side of the proposed building, meets the following requirement per the provisions of Section 15-262(g) of the Land Use Ordinance:

- a) That the deviation is warranted upon recommendation and is subject to approval by the Town Engineer.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of April, 2003:

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

Noes: None

Absent or Excused: None

MINOR MODIFICATION TO THE LAKE HOGAN FARMS CONDITIONAL USE PERMIT

Mr. Michael Dean Chadwick of 1st American Builders, LLC, has submitted an application (Attachment A) requesting a minor modification of the Conditional Use Permit (CUP) issued on September 27, 1994 for the Lake Hogan Farms subdivision. Specifically, the applicant is requesting the establishment of a 25-foot (25') 'natural, vegetative, undisturbed buffer' on one specific lot (Lot 151) where a 75-foot (75') buffer was established when the CUP was granted.

Action on this matter was delayed at the request of the applicant.

REVIEW OF SCOPE OF DOWNTOWN CIRCULATION STUDY

The *Downtown Carrboro: New Vision* report recommends that the Town undertake a circulation study to analyze the report recommendations. The Town of Carrboro has received funding for a circulation study. The purpose of this item was to (1) receive direction from the Board on the scope of services and specific items to be included in the downtown circulation study and (2) request that the Board of Aldermen discuss the appointment of a consultant selection committee.

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

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

A RESOLUTION RECEIVING THE REPORT ON THE SCOPE OF SERVICES
FOR THE DOWNTOWN CIRCULATION STUDY
Resolution No. 134/2003-03

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to review policy and regulations.

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

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen receives the report and provide direction to staff on the scope of services for the downtown circulation study and on the appointment of a selection committee for the study.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of April, 2003:

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

Noes: Jacquelyn Gist

Absent or Excused: None

Aldermen McDuffee, Gist and Zaffron will serve as the consultant selection committee.

PRESENTATION OF THE CAPITAL NEEDS ANALYSIS

At the January 26 Board Retreat, staff advised the Board that it would present the town's capital needs at a future board meeting. The last comprehensive visit of the town's capital needs was presented to the Board in a CIP (capital improvements plan) document dated November 1999. Since that time, the status of these projects has been summarized in the annual operating budget document. However, numerous large-scale capital needs have surfaced since 1999. The purpose of this item was to present a list of capital needs identified by departments or recently discussed by the Board and to obtain the Board's feedback on its priorities relative to major capital projects.

Bing Roenigk, the town's Assistant Town Manager, made the presentation.

Alderman Zaffron requested that the town staff check with the State on their vehicle replacement schedule.

Alderman Broun suggested that this presentation be made to the Board annually.

TOWN MANAGER SELECTION PROCESS

Mike Brough presented a revised time line for the Town Manager search process.

It was the consensus of the Board that the Town Manager Search Subcommittee (Mayor Nelson, and Aldermen Broun and Gist) will review the proposed time line and interview process prior to the April 22nd closed session at which time the Board will select the finalist candidates.

In addition, the Board requested that the Town Manager Search Subcommittee review the taped telephone interviews with the candidates and provide a recommendation to the Board on the finalist candidates.

SPECIAL LEGISLATION

Mike Brough provided copies of two bills that Senator Kinnaird has introduced on behalf of the town—one authorizing the town to adopt an ordinance requiring developers to provide affordable housing, and the other authorizing the town to adopt an ordinance requiring sprinklers in existing places of assembly that accommodate more than 100 persons. He stated that he had completely revised the affordable housing bill and asked for Board approval to submit the revised bill to Senator Kinnaird.

The Board authorized Mr. Brough to submit the revised affordable housing bill to Senator Kinnaird.

TRIANGLE TRANSIT AUTHORITY'S 10TH ANNIVERSARY PARTY

Mayor Nelson stated that he will be participating in TTA's 10th anniversary party on April 15th and is challenging the Mayors of Chapel Hill, Cary, Durham and Raleigh to ride the bus to the TTA birthday party. He also asked Board members to ride the bus to the party.

FUNDS FOR HOMELAND SECURITY

Alderman Gist stated that the Red Cross is requesting additional funding to provide training mandated by Homeland Security. She expressed concern that federal funding has not been provided for such required training.

REQUEST FOR TAX INFORMATION ON NEW HIGH SCHOOL SITE

Alderman Broun requested information on the tax value of the property being proposed for a new high school.

REQUEST FOR REPORT ON ROBBERIES

Alderman Herrera requested a report on the recent robberies of Latinos.

REQUEST FOR INFORMATION

Mayor Nelson requested the name of the officer who was placed in danger at Harris Teeter on April 4th so that a letter of appreciation could be sent.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO
ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk