

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 22, 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

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE APRIL 15, 2003 MINUTES. VOTE: AFFIRMATIVE ALL

RESOLUTION PROCLAIMING MAY AS NATIONAL BIKE MONTH

The year 2003 will mark the 47th consecutive year that the League of American Bicyclists has declared May to be National Bike Month. For several years the Carrboro Board of Aldermen has adopted a resolution in support of National Bike Month. A resolution has been prepared for the Board's adoption.

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

A RESOLUTION PROCLAIMING MAY AS NATIONAL BIKE MONTH
Resolution No. 151/2002003

WHEREAS, bicycle riding is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS, millions of Americans will experience the joys of bicycling in the month of May through educational programs, commuting events, trail work days, helmet promotions, and charity rides; and

WHEREAS, Americans in record numbers are turning to bicycling for recreation, exercise, and transportation; and

WHEREAS, the year 2003 will mark the 47th consecutive year that the national non-profit bicycling safety and education association the League of American Bicyclists has declared the month of May to be National Bike Month; and

WHEREAS, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout the nation will be promoting bicycling as a wholesome leisurely activity as well as an environmentally-friendly alternative to the automobile during the month of May.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen do hereby proclaim the month of May as NATIONAL BIKE MONTH.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd 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

PRESENTATION OF QUARTERLY REPORTS

The purpose of this item was to present to the Mayor and Board of Aldermen quarterly reports for the quarter ending March 31, 2003.

MID-MARCH TO MID-APRIL ACTIVE PROJECTS REPORT

The Zoning Division of the Town of Carrboro is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period of March 16, 2003 through April 15, 2003 was presented.

BUDGET AMENDMENT TO COVER MUSIC FESTIVAL EXPENSES

The purpose of this item was to increase the 2002-03 Music Festival budget by \$1,000 to cover expenses associated with a fundraiser for the fall 2003 music festival.

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 ALL

PUBLIC HEARING: STREET CLOSING PERMIT APPLICATION: ARMADILLO GRILL 10TH ANNIVERSARY PARTY

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 Saturday May 10, 2003 from 10:00 a.m. – 9:00 p.m. to accommodate the Armadillo Grill 10-year Anniversary Party. 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.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF
ROBERSON STREET BESIDE ARMADILLO GRILL
TO ACCOMMODATE ARMADILLO GRILL'S
10-YEAR ANNIVERSARY PARTY
Resolution No. 144/2002-03

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board hereby authorizes the temporary closing of Roberson Street beside Armadillo Grill from the stoplight at the East Main intersection to the north side of the Roberson Street public parking lot driveway from 10:00 a.m. to 9:00 p.m. to accommodate Armadillo Grill's 10-year anniversary party on Saturday, May 10, 2003.

Section 2. The Public Works Department shall provide temporary traffic control devices on the day of the closing (cones, barricades and signs) and the Event Sponsor shall be responsible for reimbursing the associated labor cost to the Town;

Section 3. The Event Sponsor shall be responsible for reimbursing the Town the actual cost for utilizing off-duty Police Officers to manage traffic control; actual cost will depend upon which officers are assigned on the parade day;

Section 4. The Public Works Department shall provide roll-out containers for waste collection and recycling containers for recyclables; Event sponsor shall ensure vendors recycle their cardboard if applicable.

Section 5. The Event Sponsor will coordinate the placement of portable toilets;

Section 6. The Event Sponsor shall be responsible for the removal of waste and debris from the closed portions of Roberson Street and their associated right-of-way areas prior to re-opening; streets can not be re-opened until clear of all debris and event structures, i.e. booths.

Section 7. The Event Sponsor shall be responsible for notifying Central Communications prior to and on the event day when the streets are closed and when reopened.

Section 8. 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 22nd 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

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON RECOMMENDATIONS FOR ALTERNATIVE FINANCING MADE BY THE SOLID WASTE ADVISORY BOARD

The Orange County Solid Waste Advisory Board has made recommendations to the County Commissioners for consideration in the 2003 – 2004 budget cycle. The purpose of tonight’s hearing is to receive public input on the proposed strategies. The Administration recommended that the Board of Aldermen recommend that the County take the necessary steps to fully implement the proposed fee schedule in a single year, as early as practical, that covers all costs of managing solid waste in the County, that simultaneously eliminates the tipping fee, and that provides relief to low-income families.

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

Robert Andrew Smith, a resident of Carrboro, suggested that a pay-as-you-throw program be initiated.

Bob Kirshner spoke in support of the recommendations in a graduated manner.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

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

**A RESOLUTION RECOMMENDING RAPID INITIALIZATION AND PROVISIONS FOR RELIEF TO LOW-INCOME FAMILIES IN IMPLEMENTING SOLID WASTE MANAGEMENT ALTERNATIVE FINANCING STRATEGIES
Resolution No. 150/2002-03**

WHEREAS, the Carrboro Board of Aldermen is committed to assuring quality services directed toward implementing the goals of the Orange County Comprehensive Solid Waste Management Plan; and

WHEREAS, The Orange County Solid Waste Advisory Board, charged with reviewing the Comprehensive Solid Waste Management Plan and alternatives to financing the program has made recommendations to the County Commissioners for consideration in the 2003 – 2004 budget cycle; and

WHEREAS, the Board of Aldermen have reviewed the proposed strategies and have held a hearing to receive public input.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen recommend that the County Commissioners adopt a comprehensive availability fee to finance the county’s solid waste management and recycling programs; to ensure fiscal responsibility; to provide reserves for landfill closure, post closure care, and future equipment needs; and that replaces the landfill tip fee.

BE IT FURTHER RESOLVED that the Aldermen recommend that the County Commissioners take immediate steps to fully implement this fee in a single budget year as early as practical, rather than a three-phased, multi-year schedule as proposed by the SWAB.

BE IT FURTHER RESOLVED that the Aldermen encourage the County Commissioners to develop a fee structure that includes provisions for relief for low-income families and for nonprofit organizations owning houses that serve low-income families, and to implement such relief at the same time as the implementation of the availability fee.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of April, 2003:

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

Noes: Alex Zaffron

Absent or Excused: None

MINOR MODIFICATION TO THE LAKE HOGAN FARMS CONDITIONAL USE PERMIT

On April 15, 2003, the Board of Aldermen considered an application from Mr. Michael Dean Chadwick of 1st American Builders, LLC, requesting a minor modification of the Conditional Use Permit (CUP) issued on September 27, 1994 for the Lake Hogan Farms subdivision. The Board delayed action on the matter so that members of the Board would have an opportunity to visit the site to further consider the application before coming to a decision.

Dennis Williams, a resident of 209 Lake Manor Road, spoke in support of the modification.

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

A RESOLUTION REGARDING A MINOR MODIFICATION TO THE CUP FOR
LAKE HOGAN FARMS SUBDIVISION TO ESTABLISH A REDUCED
NATURAL, VEGETATIVE, UNDISTURBED BUFFER ON LOT 151
Resolution No. 140/2002-03

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for Lake Hogan Farms subdivision on September 27, 1994; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any substantial change to the approved plans for a project 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 contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby modifies the required buffer behind the house at 211 Lake Manor Road and adjacent to 408 Stony Hill Road from 75 feet to 40 feet effective upon the recordation of deed restrictions on the lot at 211 Lake Manor Road that limits activities and uses as outlined in the April 15, 2003 letter from First American Land to the adjacent property owner, Muriel Mandel.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd 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

REPORT: RECREATION AND PARKS COMMISSION AND PLANNING BOARD REVIEW OF ACTIVE RECREATIONAL FACILITIES REQUIREMENTS

The Board of Aldermen's 2002-2003 *Action Agenda* assigned the Recreation and Parks Commission and Planning Board the task of reviewing the active recreational facilities requirements of the Land Use Ordinance. The advisory boards have completed this review and drafted a recommendation for the Board's review. Recreation and Parks Commission and Planning Board chairpersons, Doris Murrell and John Marshall provided additional information at tonight's meeting.

Trish McGuire commented on the review process.

John Marshall, Chair of the Planning Board, stated that the Planning Board feels that the point system is not working and private recreational facilities are not working.

Doris Murrell, Chair of the Recreation and Parks Commission, stated that the majority of the Recreation and Parks Commission feels the points system does work. Feels that if incentives are not given to developers, that no recreational facilities will be provided. Private recreational facilities removes some of the pressure off public facilities, suggested that more points be given for facilities that could be shared with the public.

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

A RESOLUTION SPECIFYING FOLLOW-UP ACTIONS TO A REPORT
FROM THE RECREATION AND PARKS COMMISSION AND THE PLANNING BOARD
IN RELATION TO A REVIEW OF THE
ACTIVE RECREATIONAL FACILITIES REQUIREMENTS
Resolution No. 149/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are responsive to community needs; and

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

Section 1. The staff is directed to prepare a report that summarizes the issues surrounding the effectiveness of the land use ordinance in achieving town goals with respect to the provision of recreational facilities.

Section 2. These issues shall be brought back to the Board of Aldermen for discussion at a work session.

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 22nd 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

DISCUSSION OF HIGH SCHOOL SELECTION PROCESS

At the March 25, 2003 Board of Aldermen meeting, the Board agreed to discuss whether it would be interested in participating in the new high school site selection process. Information pertaining to the site selection process was provided for the Board's review.

No action was taken on this matter.

DISCUSSION OF ESTABLISHING A SOUTHERN TRANSITION ADVISORY COMMITTEE

This item was prepared in response to a request from Tom High, a resident of the University Lake portion of Carrboro's extra-territorial jurisdiction. A draft ordinance that specifies an extra-territorial jurisdiction seat on the Transportation Advisory Board has been prepared. A resolution accepting this report was recommended for the Board's adoption.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 3 OF THE CARRBORO TOWN CODE TO DESIGNATE A SEAT ON THE TRANSPORTATION ADVISORY BOARD FOR A RESIDENT OF CARRBORO'S EXTRA-TERRITORIAL JURISDICTION." VOTE: AFFIRMATIVE ALL

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

A RESOLUTION ACCEPTING THE REPORT REGARDING A REQUEST TO
ESTABLISH A SOUTHERN TRANSITION AREA ADVISORY BOARD
Resolution No. 152/2002-03

WHEREAS the Board of Aldermen seeks to provide ample opportunities to consider changes to town policies and procedures, and

WHEREAS, the Board of Aldermen has reviewed a request for a southern transition area board to be established.

NOW THEREFORE BE IT RESOLVED by the Carrboro Mayor and Board of Aldermen that the Board accepts the report.

BE IT FURTHER RESOLVED by the Carrboro Mayor and Board of Aldermen that the Aldermen direct staff to notify applicants for potential development projects in the vicinity north of Ray Road and west of Smith Level Road of the Town's desire for neighborhood park facilities and greenway connections to the Morgan Creek greenway.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd 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

It was the consensus of the Board that Aldermen Gist and McDuffee work with the town staff to schedule a facilitated community meeting with residents of the Smith Level Road area to discuss development plans for that area.

JOINT REVIEW OF WINMORE SUBDIVISION

Mike Brough stated that due to the lack of audiovisual equipment at the Century Center and limited parking, the staff was recommending that the joint review meeting for the Winmore Subdivision be held at Town Hall.

The Board agreed with the town staff's recommendation.

A RESOLUTION IN SUPPORT OF SENATE BILL 160

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

A RESOLUTION IN SUPPORT OF SENATE BILL 160 -
DELEGATION OF AUTHORITY
Resolution No. 154/2002-03

WHEREAS the Senate Judiciary Committee has heard testimony on a bill designed to clarify cities' authority to manage themselves; and

WHEREAS Senate Bill 160 - *Delegation of Authority* – explicitly states that Dillon's Rule does not apply in North Carolina and that cities and counties should operate under a broad construction of authority (as reflected in previous laws and a 1994 Supreme Court decision in Home Builders v. Charlotte); and

WHEREAS this legislation would allow cities to better respond to the needs of their communities with reasonable authority and the necessary tools; and

WHEREAS this bill represents a major step to provide local flexibility.

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby urges the state Senate to support Senate Bill 160.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd 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

Alderman Zaffron requested that this resolution be forwarded to the Senate Judiciary I Committee.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:15 PM. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk