

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 6, 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
	Alex Zaffron
Interim Town Manager/	Michael B. Brough
Town Attorney	
Deputy Town Clerk	Richard White

Absent Diana McDuffee

**HANGERS CLEANERS**

Ellen Perry spoke about Hangers Cleaners' proposal to install more equipment at their business on Fidelity Street.

Bob Procter stated that no public hearing has been provided and that this is a change in use. He asked for time to talk with Hangers Cleaners before the machine is installed. Wants zero-base zoning hearing.

Doug Mitchell, owner of the building, stated that he disagrees with the Village Square residents.

Mayor Nelson requested that staff provide a report on this matter.

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**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE APRIL 22, 2003 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

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**REQUEST TO SET A PUBLIC HEARING: VOLUNTARY ANNEXATION OF PHASE 8 OF LAKE HOGAN FARMS SUBDIVISION**

The purpose of this item was to accept a petition for the voluntary annexation of Phase 8 of the Lake Hogan Farms Subdivision and to set a public hearing for May 20, 2003.

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

A RESOLUTION SETTING A PUBLIC HEARING  
TO CONSIDER THE ANNEXATION OF  
PHASE 8 OF THE LAKE HOGAN FARMS SUBDIVISION  
UPON THE REQUEST OF THE PROPERTY OWNERS  
Resolution No.157/2002-03

WHEREAS, the Town of Carrboro has received petitions from the owners of Phase 8 of the Lake Hogan Farms Subdivision requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petitions requesting the annexation of this property are sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts these petitions and shall hold a public hearing on May 20, 2003 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Herald at least ten days prior to the date of the public hearing.

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 6<sup>th</sup> day of May, 2003:

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

Noes: None

Absent or Excused: Diana McDuffee

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### **AWARD OF CONTRACT FOR AUDIT FIRM**

The purpose of this agenda item was to award the contract for the town's annual audit for the year ending June 30, 2003. The administration recommended that the contract be awarded to Dixon, Odom, and Company.

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

#### A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2002-03 AUDIT Resolution No. 159/2002-03

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

Section 1. That the contract for the FY 2002-03 audit be awarded to Dixon, Odom, and Company for a total cost of \$24,000.

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 6<sup>th</sup> day of May, 2003:

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

Noes: None

Absent or Excused: Diana McDuffee

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## **CHARGES ISSUED**

Charges were issues to David Deming, a recent appointee to the Transportation Advisory Board, and to Kathleen Buck, a recent appointee to the Environmental Advisory Board.

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## **PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO PROVIDE FOR ALTERNATIVE PARKING AREA AND PUBLIC STREET STANDARDS**

The Board of Aldermen directed staff to prepare a draft ordinance in follow-up to a request from the Carrboro Collaborative Development Association to amend the Land Use Ordinance for street connection and parking lot construction requirements and set a public hearing for May 6, 2003. It was necessary for the Board of Aldermen to receive public comment prior to taking action on the draft ordinance.

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

Aldermen Broun requested the annual cost of sidewalk maintenance.

Giles Blunden, Carrboro Collaborative Development Association principal, provided the history of the request and gave an overview of the proposed road and right-of-way structure.

At Mayor Nelson's request, Trish and Chris Peterson, Public Works Director, spoke on staff concerns about the proposal.

Mayor Nelson requested that staff draft an ordinance amendment regarding inclusion of features within the right-of-way that would be considered by the Board on June 3<sup>rd</sup> when the public hearing on the Pacifica project will be held.

Joanna Massey, working with Mr. Blunden and future Pacifica resident, spoke on the bio-retention plans.

Stephen Trimel, Pacifica co-housing community, spoke in favor of the proposed stormwater treatment design and asked the Board to accept the plan as proposed.

Ginger Long, member of co-housing community, spoke in favor of the proposed amendment.

Andy Hinkey, member of co-housing community, spoke of the member's enthusiasm to maintain the right-of-way.

Linda Hauf, a resident of Bolin Forest, expressed concern about the Board giving up stormwater management control. She stated that there would be no accountability for CUP enforcement. She asked the Board to slow down and consider the impact on Bolin Creek and hold off on the Pacifica and Winmore public hearings.

Jane Biasey, a future Pacifica resident, stated that the Pacifica community is based on sustainability, diversity, affordability, and community.

MOTION WAS MADE BY ALEX ZAFFON AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR ALTERNATIVE PARKING AREA STANDARDS AND ALTERNATIVE STREET

DESIGN REQUIREMENTS IN CONJUNCTION WITH LOW-IMPACT DEVELOPMENT, AFFORDABLE HOUSING, AND CONNECTIONS TO EXISTING RIGHTS-OF-WAY THAT DO NOT MEET STREET CLASSIFICATION STANDARDS, AS AMENDED TO ADD THE FOLLOWING LANGUAGE TO SECTION 15-216.1(B)(1): ...OR STRUCTURAL EQUIVALENT AS APPROVED BY THE TOWN ENGINEER. IN ADDITION, THAT NOTE 2 ON STANDARD DRAWING BE AMENDED TO STATE: "PERMIT ISSUING AUTHORITY MAY ELIMINATE SIDEWALK REQUIREMENT ON EITHER SIDE (NOT BOTH) OF SUBCOLLECTOR." VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

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**REQUEST TO SET PUBLIC HEARINGS: WINMORE VILLAGE MIXED USE CONDITIONAL USE DISTRICT REZONING AND WINMORE VILLAGE MIXED USE ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT**

Winmore Land Management, LLC has submitted a petition to rezone 65.85 acres from R-10 to Village Mixed Use Conditional Use District and has also submitted an application for a conditional use permit to allow a Village Mixed Use Architecturally Integrated Subdivision. The Administration recommended that the Board of Aldermen set public hearings for review of these matters on May 27, 2003 and refer the petition and application to advisory boards for recommendations.

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

Nancy Salmon, a resident of the NTAA, urged the Board to give advisory boards more time to review the plans. She also stated that she thinks the plans are incomplete.

Steve Kimsley, a Lake Hogan Farms resident, requested that the Board delay the hearing on Phase I until more detail is known on Phase II to understand Phase II impact. HE asked the Board to look at the total project.

Brian Boyce, a resident of the NTAA, asked the Board to give advisory boards the time needed for a thorough review of the project.

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

A RESOLUTION CALLING A PUBLIC HEARING ON WINMORE VILLAGE MIXED USE  
CONDITIONAL USE DISTRICT REZONING AND WINMORE VILLAGE MIXED USE  
ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT  
Resolution No. 158/2002-03

WHEREAS, the Carrboro Board of Aldermen must receive public comment on requests for rezonings and applications for conditional use permits; and

WHEREAS, Winmore Land Management, LLC has submitted a petition for rezoning and an application for a conditional use permit for the Winmore Village Mixed Use development.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing for May 27, 2003 to receive public comment on these requests;

BE IT FURTHER RESOLVED that the rezoning petition and the application for a conditional use permit be referred to the Planning Board for recommendations.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6<sup>th</sup> day of May, 2003:

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

Noes: None

Absent or Excused: Diana McDuffee

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**PRESENTATION OF THE MANAGER'S RECOMMENDED FY2003-04 BUDGET**

By state law, the Town Manager is responsible for submitting a balanced budget for the Carrboro community to the Mayor and Board of Aldermen by June 1<sup>st</sup>. Tonight, the Board was presented with the FY2003-04 Manager's Recommended Budget.

Mike Brough stated that budget work sessions are scheduled for May 22<sup>nd</sup> and 29<sup>th</sup>.

The Board requested that the market study and five-year plan be discussed at the May 22<sup>nd</sup> work session.

Alderman Broun requested information on the amount spent on sidewalk maintenance.

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**PRESENTATION BY OWASA: REVISED WATER CONSERVATION STANDARDS**

Representatives from OWASA presented and discussed new water conservation standards to the Mayor and Board of Aldermen. The administration recommended that the Board receive this report and adopt the attached resolution referring the new standards to the Town Attorney.

Bernadette Pelissier, Chair of the OWASA Board of Directors, made the presentation.

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

A RESOLUTION REFERRING THE  
NEW WATER CONSERVATION STANDARDS  
TO THE TOWN ATTORNEY  
Resolution No. 142/2002-03

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

Section 1. The Board of Aldermen is in receipt of revised water conservation standards.

Section 2. The Board hereby refers the revised standards to the Town Attorney to draft the appropriate ordinance amendment to incorporate the standards into the town's water conservation ordinance.

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 6<sup>th</sup> day of May, 2003:

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

Noes: None

Absent or Excused: Diana McDuffee

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**CONDITIONAL USE PERMIT MINOR MODIFICATION: CHAN MIXED-USE BUILDING**

Mr. Giles Blunden (representing Mr. Francis Chan) has submitted an application for a *Minor Modification* to the Conditional Use Permit issued to Mr. Chan on May 7<sup>th</sup>, 2002 for construction of a three-story mixed-use building with associated parking and landscaping located at 114 Merritt Mill Road. Per Section 15-64 (b), minor design modifications are considered to have no discernable impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, and are permissible with the approval of the permit-issuing authority. The proposed Minor Modification involves slight changes to the building and site.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP  
FOR THE CHAN MIXED-USE BUILDING LOCATED AT 114 MERRITT MILL ROAD ALLOWING THE  
APPLICANT TO USE A SLIGHTLY REDESIGNED BUILDING AND ASSOCIATED SITE PLAN IN  
CONSTRUCTION OF THE APPROVED BUILDING

Resolution No. 155/2002-03

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Francis Chan Mixed Use Building on 114 Merritt Mill Road on May 7<sup>th</sup>, 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 Chan Mixed-Use Building on 114 Merritt Mill Road allowing the applicant to use a slightly redesigned building and associated site plan in construction of the approved mixed-use Apartment Building subject to the following additional condition:

1. That all engineering related issues created by the minor modification be resolved in the Construction Plan review.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6<sup>th</sup> day of May, 2003:

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

Noes: None

Absent or Excused: Diana McDuffee

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**A REQUEST TO SET A PUBLIC HEARING FOR REFINANCING TAXABLE AND TAX-EXEMPT  
GENERAL OBLIGATION BONDS**

With favorably low interest rates, the opportunity exists for many units of government to obtain significant savings by refinancing outstanding debt. The Board of Aldermen was requested to consider refunding general obligation bonds issued by the Town in 1990 and bonds previously refunded in 1989, and to take actions necessary to accomplish this undertaking if the Board so desires. The administration recommended that the Board introduce the Bond Order, adopt a resolution setting a for public hearing for May 20, 2003 authorizing the Assistant Town Manager/Finance Director to file a Sworn Statement of Debt, and authorizing the Town Clerk to publish notice of the public hearing.

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

**A RESOLUTION SETTING A PUBLIC HEARING AND  
AUTHORIZING THE FILING OF DEBT STATEMENT**

Resolution No. 160/2002-03

WHEREAS, there has been introduced at this meeting a bond order entitled as follows:

**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING  
BONDS IN THE MAXIMUM AMOUNT OF \$650,000**

AND WHEREAS, Section 159-57 of the General Statutes requires that a public hearing be held on such bond order prior to its adoption, Section 159-56 of the General Statutes requires publication of a notice of such hearing, and Section 159-55 of the General Statutes requires the filing of a statement of the town's debt with the Town Clerk prior to the public hearing;

BE IT THEREFORE RESOLVED by the Board of Aldermen of the Town of Carrboro, North Carolina, that a public hearing on each such bond order will be held by this Board at 7:30 p.m. (or as soon thereafter as the matter may be heard) on May 20, 2003, in the Board's regular meeting room, Town Hall, 301 West Main Street, Carrboro, North Carolina, and that the Town Clerk is authorized and directed to publish a notice of such public hearing, in the form provided for in Section 159-56 of the General Statutes, one time, not less than six days prior to such hearing date, in a newspaper having general circulation in the Town;

AND BE IT FURTHER RESOLVED that the town's Finance Officer is authorized and directed to prepare and file, prior to the publication of the notice of public hearing, a sworn statement of the town's net debt in the form prescribed by statute.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6<sup>th</sup> day of May, 2003:

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

Noes: None

Absent or Excused: Diana McDuffee

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**SIDEWALK BOND ISSUE**

Mayor Nelson asked that the Board direct the town staff to proceed with advance work on a possible November bond issue on sidewalks.

It was the consensus of the Board to direct staff to proceed with preliminary work on a November bond issue.

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**ORANGE COUNTY JOINT PLANNING AREA TASK FORCE**

Mike Brough pointed out that the Board had received a letter from the Chair of the County Commissioners inviting the Town of Carrboro to participate in the joint planning area task force.

The Board requested clarification on the number of appointments to this task force.

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**TOWN HALL DAY**

Mike Brough pointed out that the N.C. League of Municipalities' Town Hall Day is scheduled for May 21<sup>st</sup>.

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**TWIN MAGNOLIAS**

Alderman Broun asked for a report on construction trucks blocking Jones Ferry Road existing the Twin Magnolias project.

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MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:48 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

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Mayor

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Deputy Town Clerk