

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 21, 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 (arrived at 7:50 p.m.)
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETING: OCTOBER 14, 2003

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE OCTOBER 14, 2003 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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

Fleet Feet Sports and Cardinal Track Club submitted a Street Closing Permit Application for the temporary closing of several town streets from 8:00 am to 9:00 am on Thursday, November 27, 2003 to accommodate the *Gallop and Gorge 8K Road Race*. 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 administration requested that the Board of Aldermen adopt a resolution setting a public hearing for November 11, 2003 to consider this request.

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

A RESOLUTION SETTING A PUBLIC HEARING
ON A STREET CLOSING REQUEST
Resolution No. 43/2003-04

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that November 11, 2003 is hereby set as the date for a public hearing on the street closing request submitted by the Gallop & Gorge 8K Road Race.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of October, 2003:

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

Noes: None

Absent or Excused: John Herrera

A REQUEST TO ADOPT A RESOLUTION ACCEPTING THE 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT AND SCHEDULING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED USE OF THE GRANT FUNDS

The Carrboro Police Department has received approval from the Bureau of Justice Assistance (BJA) for a 2003 Local Law Enforcement Block Grant (LLEBG). This grant is for \$11,280.00 and requires a 10% match (\$1,253.00) from the Town of Carrboro. The administration recommended adoption of a resolution accepting the grant, authorizing the payment of the Town's 10% match from the Police Department's operational budget, and scheduling a public hearing for November 11, 2003 to receive public comment on the proposed expenditure of these grant funds.

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

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE YEAR 2003
LOCAL LAW ENFORCEMENT BLOCK GRANT AND SCHEDULING
A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT
ON THE PROPOSED USE OF THE GRANT FUNDS
Resolution No. 45/2003-04**

WHEREAS, the Carrboro Board of Aldermen has accepted the Local Law Enforcement Block Grant (LLEBG) every year since 1997; and

WHEREAS, these grants have been very beneficial to the Carrboro Police Department by providing funds to purchase video cameras, speed enforcement equipment, radios, and other important equipment; and

WHEREAS, the Bureau of Justice Assistance has awarded a year 2003 LLEBG grant to the Carrboro Police Department.

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

Section 1. The Board of Aldermen hereby accepts the LLEBG grant in the amount of \$11,280.00.

Section 2. The Board of Aldermen authorizes the expenditure of funds in the amount of \$1,253.00 from the Police Department budget for use as matching funds.

Section 3. That the Board of Aldermen hereby sets a public hearing for November 11, 2003 to receive public comment on the proposed disbursement of the grant funds.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of October, 2003:

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

Noes: None

Absent or Excused: John Herrera

A REQUEST TO ADOPT A RESOLUTION DESIGNATING AN AGENT TO EXECUTE FEMA APPLICATIONS AND FORMS ON BEHALF OF THE TOWN

Orange County was declared a disaster area because of the effects of Hurricane Isabel on September 18, 2003. The Town of Carrboro is located in Orange County, which is one of the counties designated within this disaster area. As a 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 in applying for funds. The Board was requested to adopt a resolution to authorize 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. 47/2003-04

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

Section. The Board of Aldermen hereby authorizes Jan Bryant-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 21st day of October, 2003:

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

Noes: None

Absent or Excused: John Herrera

APPOINTMENT OF A DEPUTY TOWN CLERK

The Mayor and Board of Aldermen were requested to adopt a resolution appointing Sharmin Mirman as Deputy Town Clerk.

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

A RESOLUTION APPOINTING A DEPUTY TOWN CLERK
Resolution No. 46/2003-04

BE IT RESOLVED BY THE BOARD OF ALDERMEN:

Section 1. Ms. Sharmin Mirman is hereby appointed as the Town's Deputy Town Clerk.

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 21st day of October, 2003:

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

Noes: None

Absent or Excused: John Herrera

REVIEW AND APPROVAL: MUNICIPAL AGREEMENT FOR THE DOWNTOWN CIRCULATION STUDY

The N.C. Department of Transportation (NCDOT) has approved the Town of Carrboro's request for funding to conduct a downtown Carrboro traffic circulation study. NCDOT has prepared a Municipal Agreement for this study. A resolution authorizing the Mayor and Town Clerk to sign and execute the Municipal Agreement was recommended for the Board's approval.

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

**A RESOLUTION TO AUTHORIZE THE MAYOR AND TOWN CLERK TO SIGN
AND EXECUTE THE MUNICIPAL AGREEMENT FOR THE DOWNTOWN TRAFFIC STUDY
Resolution No. 54/2003-04**

WHEREAS, the Town of Carrboro and the North Carolina Department of Transportation has agreed to partner with the Municipality to develop a downtown feasibility analysis and conceptual design plan for moving vehicular, bicycle and pedestrian traffic in downtown Carrboro under Project 6.500019, Orange County; and,

WHEREAS, the Town of Carrboro desires to enter into a municipal agreement with the Department of Transportation whereby the town shall hire a Private Consulting Firm to perform a Feasibility Study to examine and coordinate alternative modes of transportation along this route; and,

WHEREAS, the Department of Transportation shall reimburse the town actual costs of the study in an amount not to exceed \$65,000.00; and,

WHEREAS, if the study is not satisfactorily completed in the Department's opinion, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department for said study.

NOW, THEREFORE, BE IT RESOLVED that Project 6.500019, Orange County, is hereby formally approved by the Board of Aldermen of the Town of Carrboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of October, 2003:

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

Noes: None

Absent or Excused: John Herrera

REQUEST TO ADOPT A BUDGET ORDINANCE

The Board was requested to approve a transfer of \$730 from the Capital Reserve Fund to the Capital Project Funds to cover closing cost associated with the purchase of the Rosemary Street Parking Lot.

MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE". VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

ISSUANCE OF A CHARGE

The Town Clerk issued a charge to Neal Flanagan, a recent appointee to the Environmental Advisory Board.

PUBLIC HEARING/OWENS RESEARCH LABORATORY CUP

The University of North Carolina at Chapel Hill (UNC) has submitted an application for a one-time expansion of a nonconforming use of their research facilities located at 350 South Old Fayetteville Road. Per Section 15-124(g)(6) of the Town of Carrboro Land Use Ordinance (LUO), the applicant must receive a Conditional Use Permit (CUP) to construct the one-time expansion. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. The Administration recommended that the Board review, deliberate, and make a decision regarding the conditional use permit application.

Mr. Stewart stated that the applicant had requested that this public hearing be continued until November 11, 2003.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CONTINUE THIS PUBLIC HEARING UNTIL NOVEMBER 11, 2003. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

LOCAL PRIORITY LIST FOR THE 2006-2012 TIP

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has initiated the preparation of the 2006-2012 Transportation Improvement Program (TIP). At the beginning of this process, local governments are requested to provide a local priority list of projects. The public hearing on this matter allows the Board to receive citizen comments on the local priority list. A resolution that adopts the local priority list was recommended for the Board's adoption.

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

[Alderman Herrera arrived at the meeting.]

Sharon Cook, representing Students on Sidewalks, asked that the Town join the County Commissioners and Chapel Hill Town Council in appointing a citizens committee who would craft a funded solution for getting sidewalks from the neighborhoods north of Homestead Road to Chapel Hill High School with safe crossing areas for the students.

The Board requested the following revisions to the Carrboro 2006-2012 Transportation Improvement Program Local Priority List:

1. That a new item #12 be added to read: "Homestead Road at High School Road – Improve intersection to provide for pedestrian safety and vehicular movement, including the addition of turn lanes, crosswalks and signalization."
2. That item #2 (Old Fayetteville Road) be moved down to item #4
3. That item #4 (Homestead Road) be moved up to item #2

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

A RESOLUTION ADOPTING THE 2006-2012 TIP LOCAL PRIORITY LIST
Resolution No. 52/2003-04

WHEREAS, the Town of Carrboro participates in the development of the 2006-2012 Transportation Improvement Program as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Transportation Advisory Board has reviewed transportation needs in Carrboro and recommended a local priority list for adoption by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt the local priority list for the 2006-2012 Transportation Improvement Program, inclusive of any revisions noted by the Board of Aldermen.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer the local priority list to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization for inclusion in the regional priority list.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of October, 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 JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO JOIN WITH CHAPEL HILL AND ORANGE COUNTY IN ESTABLISHING THE CITIZENS COMMITTEE, AND THAT ALDERMAN ZAFFRON BE APPOINTED TO SERVE AS THE CARRBORO REPRESENTATIVE ON THAT COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO REQUEST THAT THE TOWN OF CHAPEL HILL ADD THE HOMESTEAD ROAD AT HIGH SCHOOL ROAD IMPROVEMENT PROJECT TO THEIR TIP LOCAL PRIORITY LIST. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request that the police chief work out a cooperative arrangement with the Chapel Hill Police Chief to provide for a traffic control officer at the Homestead/High School Road intersection before and after school hours.

Alderman Gist suggested that a Chapel Hill High School student serve on the citizens committee.

CONDITIONAL USE PERMIT MODIFICATION: CARRBORO PLAZA

Advantis Real Estate Services has submitted an application for a Minor Modification to the existing Conditional Use Permit for Carrboro Plaza at 104 Highway 54. The request would allow the construction of one additional two-story building on the site with associated parking. The Administration requested that the Board of Aldermen review, deliberate and make a decision regarding the conditional use permit minor modification request.

Marty Roupe, the town's Zoning Administrator, made the presentation.

Vijay Shaw addressed the parking for the shopping center.

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

A RESOLUTION APPROVING A MINOR MODIFICATION OF THE CONDITIONAL USE PERMIT FOR CARRBORO PLAZA FOR THE CONSTRUCTION OF AN ADDITIONAL 6,048 SQUARE FOOT, TWO-STORY BUILDING WITH ASSOCIATED PARKING

Resolution No. 55/2003-04

WHEREAS, the Carrboro Board of Aldermen has approved a Conditional Use Permit for Carrboro Plaza Shopping Center located at 104 Highway 54 on February 22, 1983; and

WHEREAS, the applicant has requested a modification to allow the addition of a two-story building with associated parking on the site; and

WHEREAS, the Administration has determined that the requested phase change is a minor modification, which requires approval by the permit issuing authority (in this case, the Board of Aldermen).

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Carrboro Plaza Conditional Use Permit is approved, subject to the following conditions:

1. That the applicant shall provide to the Zoning Division, prior to being issued a certificate of occupancy, or prior to the release of a bond if some features are not in place at the time of the issuance of the certificate of occupancy, mylar and digital as-builts for the stormwater-related features of the project. Digital as-builts must be in DXF format and must include a base map of the whole project and all separate plan sheets. As-built DXF files must include all layers or tables containing storm drainage features. Storm drainage features must be clearly delineated in a data table. The data must be tied to horizontal controls.
2. That the applicant locate a bicycle rack in the vicinity of the new addition.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of October, 2003:

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

Noes: None

Absent or Excused: None

A REPORT ON THE PATHWAY DRIVE AND TRIPP FARM CONNECTOR ROADS

The 2003 Action Agenda includes a report on the Pathway Drive and Tripp Farm connector roads. A report has been prepared. A resolution receiving the report was recommended for the Boards' adoption.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON THAT THE PATHWAY DRIVE AND TRIPP FARM ROAD CONNECTIONS TO THE HORACE WILLIAMS TRACT BE REMOVED FROM THE TOWN'S CONNECTOR ROADS PLAN. VOTE: AFFIRMATIVE ALL

REQUEST FOR REPORT ON THE ESTABLISHMENT OF A COUNTY-WIDE SUBSTANDARD RENTAL HOUSING TASK FORCE

Alderman Gist asked for a status report on the formation of the countywide substandard rental housing task force.

NO CAMPAIGNING BEYOND THIS POINT SIGN AT TOWN HALL

Alderman Gist expressed concern about the placement of the "No Campaigning Beyond this Point" sign located at Town Hall. She asked if the regulations had changed to cause the sign to be located so far away from the polling place.

DEATH OF ED CALDWELL

Alderman Zaffron stated that Ed Caldwell, a pioneer in the civil rights movement, had passed away and extended the Board condolences to Mr. Caldwell's family.

ONE STOP VOTING

Alderman Herrera stated that one-stop voting is currently underway at Town Hall through the end of October and encouraged citizens to vote.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN TO ADJOURN THE MEETING AT 9:00 P.M. VOTE: AFFIRMATIVE ALL

Town Clerk

Mayor