A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 11, 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
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson
Absent:	
Alderman	Mark Dorosin

### APPROVAL OF MINUTES OF PREVIOUS MEETING: OCTOBER 28, 2003

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE OCTOBER 28, 2003 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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## A REQUEST TO SET JOINT PLANNING PUBLIC HEARINGS AND ASSEMBLY OF GOVERNMENTS MEETING DATES FOR 2004

The Mayor and Board of Aldermen were requested to adopt a resolution setting Joint Planning Public Hearings and Assembly of Governments meeting dates for 2004.

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

### A RESOLUTION SETTING JOINT PLANNING PUBLIC HEARING DATES AND ASSEMBLY OF GOVERNMENT MEETING DATES FOR 2004 Resolution No. 62/2003-04

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro to set Joint Planning Public Hearing dates for:

Monday, March 29, 2004 Thursday, October 21, 2004

BE IT FURTHER RESOLVED that Assembly of Governments meetings be set for:

Thursday, April 29, 2004 Wednesday, September 29, 2004

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11<sup>th</sup> day of November, 2003:

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

Noes: None

#### \*\*\*\*\*

## PROCLAMATION ISSUED

Mayor Nelson announced November 15<sup>th</sup> to be Olivia Wall Olivia Wall Day in honor of her winning the Easy Bake Oven Contest.

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## <u>A REQUEST TO MAKE AN APPOINTMENT TO THE NORTHERN TRANSITION AREA</u> <u>ADVISORY COMMITTEE</u>

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing Jeanette Moore to the Northern Transition Area Advisory Committee.

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

### A RESOLUTION APPOINTING JEANETTE MOORE TO THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE Resolution No. 65/2003-04

WHEREAS, the Town of Carrboro has two representatives on the Northern Transition Area Advisory Committee; and

WHEREAS, one of these seats is currently vacant; and

WHEREAS, Jeanette Moore has applied to serve on the NTAAC.

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

Section 1. The Board of Aldermen appoints Jeanette Moore to the Northern Transition Area Advisory Committee. Ms. Moore's term will expire in January 2006.

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 11th day of November, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin

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# PUBLIC HEARING: PROPOSED EXPENDITURE OF THE YEAR 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT

The Carrboro Police Department has received approval from the Bureau of Justice Assistance (BJA) for a year 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. On October 21, 2003, the Board adopted 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 purpose of this agenda item was to receive public comment on the expenditure of the funds.

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 SIX, ABSENT ONE (DOROSIN)

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

### A RESOLUTION RECEIVING PUBLIC COMMENT ON THE PROPOSED USE OF THE YEAR 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS Resolution No. 60/2003-04

WHEREAS, the Carrboro Board of Aldermen accepted the Year 2003 Local Law Enforcement Block Grant (LLEBG) in the amount of \$11,280.00 on October 21, 2003; and

WHEREAS, the Aldermen authorized the expenditure of funds in the amount of \$1,253.00 from the Police Department budget for use as matching funds;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen receive public comment on the proposed disbursement of the grant funds.

This is the 11th day of November in the year 2003.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of November, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin

### \*\*\*\*\*\*

# PUBLIC HEARING: STREET CLOSING REQUEST/GALLOP & GORGE 8K ROAD RACE

Fleet Feet Sports and Cardinal Track Club has submitted a <u>Street Closing Permit Application</u> 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 recommends that the Board adopt the attached resolution authorizing the temporary closing of the requested streets.

A representative of Fleet Feet Sports asked for a waiver of the requirement to notify each affected property owner of the street closing.

Carrboro Board of Aldermen

# MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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

### A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF STREETS TO ACCOMMODATE THE 7<sup>TH</sup> ANNUAL THANKSGIVING DAY GALLOP & GORGE 8K ROAD RACE Resolution No. 63/2003-04

The following streets shall be temporarily closed from 8:00 am to 9:00 am on Thursday, November 27, 2003 to accommodate the *Gallop and Gorge 8K Road Race*.

Begins: Roberson St. – Old Farmers Market Parking Lot site Proceeds west on Roberson to S. Greensboro St. – north on Greensboro St.- continues north on Hillsborough Rd. to James St.; James St. south to Rainbow Dr.; west on Rainbow to Lisa Dr.; south on Lisa Dr. to Carol St.; east on Carol back to James St.; turn south on James St. to Lorraine St.; turn north on Lorraine St. to Phipps St.; east on Phipps to Simpson St.; south on Simpson to W. Main St.; east on W. Main St. to High St.; north on High St. to Hillsborough Rd.; south on Hillsborough Rd. back to W. Main St.; W. Main east one block to E. Poplar; turn east on E. Poplar to N. Greensboro St.; turn south on Greensboro St. to Roberson St.; turn east on Roberson St. Ends: Roberson St. – Old Farmers Market Parking Lot site

This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

Section 1. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 2. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 3. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 4. That the notification requirement be waived, with the request that notices of the street closing be placed on telephone poles on affected streets and that a notice of the street closing be placed on the Town's website.

Section 5. 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 11th day of November, 2003:

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

Noes: None

Absent or Excused: None

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## <u>CONTINUATION OF THE PUBLIC HEARING ON THE OWENS LABORATORY CONDITIONAL</u> <u>USE PERMIT</u>

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 Board of Aldermen opened the public hearing for the project on October 21, 2003, and then continued the public hearing until November 11, 2003. At this time, the Administration recommended that the Board continue review and deliberation, and then make a decision regarding the conditional use permit application.

Marty Roupe, the Town's Zoning Administrator, was sworn in and made the presentation.

Anna Woo, representing the University of North Carolina at Chapel Hill, was sworn in. She stated that they were requesting three exceptions to the Town's land use ordinance because these requirements would be detrimental to the existing environment and would not significantly improve the operations of their facility.

Bob Marriott, with the UNC School of Medicine, was sworn in. He stated that this property drains away from University Lake. He explained the purpose of this facility, stated that there will be no additional employees as a result of the requested expansion, explained the reason for the 18-foot drive, and stated that the trees on the site are higher than the lights on the site.

Henry Wells, the Town's Engineer, was sworn in. He answered questions about stormwater runoff.

Jane Hamborsky, representing the Chapel Hill Tennis Club, was sworn in. She asked what the expansion is for and expressed concern about the noise from the animals and disposal of animal waste.

Mr. Marriott stated that there would be no additional dogs or noise added to the site as a result of this expansion, and that the animal waste goes into the sewer system.

Steve Rose was sworn in. He asked what the expansion would be used for.

Mr. Marriott stated that the expansion would be used as a part of their research program.

# MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON O CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCUDFFEE THAT:

1. Per Section 15-124(g)(6)(a) of the Land Use Ordinance, the Board hereby finds that the project complies with the Land Use Ordinance to the extent it is reasonable to do so, except that the Board hereby

requires that the project shall comply with all conditions that follow, one or more of which relate to current, non-complying situations; and

2. Per Section 15-124(g)(6)(b) of the Land Use Ordinance, the Board hereby finds that, on balance, the benefits to the neighborhood resulting from the improvements required in conjunction with the expansion of the nonconforming use outweigh the disadvantages inherent in the expansion of the nonconforming use.

## VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICANT SHALL REPLACE LENSES IN COBRA-HEAD FIXTURES WITH CUT-OFF LENSES IN ORDER TO REDUCE LIGHT SPILLAGE, SO LONG AS IT DOES NOT DIMINISH NIGHT-TIME SECURITY. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN THAT THE KOREAN LESPEDEZA BE REPLACED WITH A NON-INVASIVE SUBSTITUTE ON THE PLANTING PLAN. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICATION IS GRANTED SUBJECT TO THE ABOVE CONDTIONS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN THAT THE DEVELOPER BE REQUESTED TO WORK WITH THE NEIGHBORS ON NOISE ABATEMENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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## <u>PUBLIC COMMENT ON THE REPORT AND RECOMMENDATIONS FROM THE HORACE</u> <u>WILLIAMS ADVISORY COMMITTEE</u>

The purpose of this item was for the Board of Aldermen to hold a public hearing on the November 11, 2003 report from the Horace Williams Committee regarding the University of North Carolina's plans for the future use of the Horace Williams tract currently referred to as Carolina North.

Roy Williford, the Town's Planning Director, made the presentation.

Steve Rose stated that he supports the report, urged the Town to work on dedication of open space to protect Bolin Creek, and urged the Town to keep communication open with the Town of Chapel Hill and the Carolina North Executive Committee regarding development along Estes Drive.

Alderman Zaffron requested that Recommendation #1 be revised to state: "Present a formal request to the Carolina North Executive Committee to permanently protect this land through dedication, conservation easement, or other legal instrument."

The following resolution was introduced by Alderman Diana McDuffee and seconded by Alderman Joal Hall Broun.

### A RESOLUTION TRANSMITTING PUBLIC COMMENTS TO THE HORACE WILLIAMS ADVISORY COMMITTEE Resolution No. 64/2003-04

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

WHEREAS, the Carrboro Board of Aldermen charged the committee to define and advocate for Carrboro's interests and objectives with regard to any plans proposed for the development of the Horace Williams property (Carolina North);

WHEREAS, the Horace Williams Advisory Committee presented its report to the Board of Aldermen on October 28, 2003; and

WHEREAS, the Carrboro Board of Aldermen held a session on November 11, 2003, to obtain public comment on the report.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that a copy of the November 11, 2003 minutes be transmitted to the Horace Williams Advisory Committee for their consideration while formulating an addendum to their October 28, 2003 report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11<sup>th</sup> day of November, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin

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### PRESENTATION OF THE AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2003

In accordance with principles of accountability and state statutes, the town undergoes an annual financial audit by independent auditors. The town contracted with Dixon Odom PLLC to perform the audit for the fiscal year ending June 30, 2003. The purpose of this agenda item was for the Board to receive the audit report.

LaVonne Montague, CPA, of Dixon Odom PLLC, who oversees the town's audit, presented the report.

The following resolution was introduced by Alderman Diana McDuffee and seconded by Alderman Joal Hall Broun.

A RESOLUTION ACCEPTING THE 2002-03 AUDIT REPORT Resolution No. 61/2003-04

WHEREAS, the Carrboro Board of Aldermen have received the annual 2002-03 Audit Report; and

WHEREAS, the Aldermen were informed by the Town's auditors, Dixon Odom PLLC that the Town's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses that are required to be reported under Government Auditing Standards;

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

Section 1: Accept the annual 2002-03 Audit Report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11<sup>th</sup> day of November, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin

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# **DISCUSSION OF THE PROCESS TO UPDATE THE RECREATION AND PARKS MASTER PLAN**

The purpose of this agenda item was for the Board of Aldermen to review the proposed process to update the Recreation and Parks Master Plan. During the September 16, 2003 Board of Aldermen meeting, staff was requested to prepare an agenda item to discuss the RFP process and action plan for this project.

Anita Jones-McNair, the Town's Recreation and Parks Director, made the presentation.

Alderman McDuffee asked that the Orange County Soccer Task Force report be used as a reference document in updating the master plan. In addition, that active recreation programs, including Century Center uses and soccer be included in the master plan.

Mayor Nelson requested that the consultant talk with citizens in the community to gather information on what should be included in the master plan.

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

### A RESOLUTION APPROVING THE PROCESS TO UPDATE THE RECREATION AND PARKS MASTER PLAN Resolution No. 59/2003-04

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen approve the course of action to update the Recreation and Parks Master Plan; and

WHEREAS, the Mayor and Board of Aldermen reviewed and approved this request.

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

Section 1. The Board hereby approves the course of action.

Section 2. The Board hereby authorizes the Recreation and Parks staff to proceed with updating the Recreation and Parks Master plan.

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 11th day of November, 2003:

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

Noes: None

Absent or Excused: Mark Dorosin

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# FOLLOW-UP TO REPORT ON GREENWAY PLANNING

A report on greenway planning was provided for the Board of Aldermen on October 28, 2003. Additional information was requested and was provided. A resolution that accepts this follow-up information was recommended for the Board's adoption.

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

Mayor Nelson suggested that the Town proceed with the greenway master plan as part of a subcommittee of the Recreation and Parks Master Plan. The Board of Aldermen should approve the charge for the subcommittee. He also suggested that the Board authorize he and one other Board member to discuss with the Friends of Bolin Creek a way to achieve the Bolin Creek Corridor Master Plan.

Alderman Gist suggested that a steering committee be established with a representative from the Recreation and Parks Commission and Board of Aldermen to discuss the process for integrating the three plans.

Alderman Broun stated that she would like to know what the former uses of properties were along Bolin creek prior to development.

Alderman McDuffee suggested that a subcommittee be formed to bring back an integrated proposal to move forward with a greenway plan.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO FORM A SUBCOMMITTEE OF THREE BOARD MEMBERS AND STAFF TO BRING BACK AN INTEGRATED PROPOSAL FOR A GREENWAY PLAN. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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# **REPORT: FRIENDS OF BOLIN CREEK REQUEST**

In January 2003, representatives of the Friends of Bolin Creek made a presentation to the Board of Aldermen and requested support and assistance towards the preparation of a master plan for the Bolin Creek corridor. A report on this matter has been prepared for the Board of Aldermen. A resolution that accepts the report is recommended for the Board's adoption.

Trish McGuire, the Town's Planning Administrator, made the presentation

Dave Otto stated that the other jurisdictions are waiting for Carrboro to take action before they take action. He stated that the Friends of Bolin Creek do not feel the resource guide to the Bolin Creek corridor neither addresses the need for an open space master plan for the Bolin Creek Corridor nor provides a mechanism to create that master plan. They maintain their strong commitment to the need for an open space master plan for the Bolin Creek Corridor to provide a framework for protecting this resource for future generations in Carrboro, Chapel Hill and southern Orange County. The Friends are interested in protection of open space in the Bolin Creek Corridor in as natural a state as possible. The greenway is one component of a larger open space master plan, but is not the end goal. The Friends asked that the Board of Aldermen consider and adopt the recommendation for creation of a Bolin Creek Corridor: Towards a Possible Mastr Plan." That proposal calls for appointment of a ster plan committee, an evaluation by the county and towns as to whether existing staff could provide necessary support to the project and development of a project timeline and mission/charge.

Julie Andresen asked that the Board take care in making appointments to the subcommittee.

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### WINMORE SUIT

Mike Brough stated that the Town prevailed on the Winmore case challenging the rezoning and conditional use permit.

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### SMALL HOUSE ORDINANCE

Alderman Zaffron asked that the Board consider Chapel Hill's version of the small house ordinance as soon as possible.

Mr. Stewart stated that this item is scheduled for December 9<sup>th</sup>.

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### **MEETING OF TRANSIT PARTNERS**

Alderman McDuffee stated that a meeting of the transit partners is scheduled for November 18<sup>th</sup> and asked if Board members had items of concern to discuss at that meeting.

The Board requested that fare free remain in effect.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 10:40 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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Mayor

Town Clerk