

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 18, 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
	Mark Dorosin
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETING: NOVEMBER 11, 2003

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE NOVEMBER 11, 2003 MINUTES. VOTE: AFFIRMATIVE ALL

A REQUEST TO APPROVE THE TOLLING AND ACCOUNTING ORDER TO EXTEND THE REVIEW PERIOD FOR THE 2004 TIME WARNER CABLE RATE FILING

Time Warner Cable submitted an FCC-1240 Updating Maximum Permitted Rates filing, FCC-1205 Determining Regulated Equipment and Installation costs filing, and FCC-1235 cost of Service Filing for Cable Network Upgrades for Regulated Cable Service with the Town. The Federal Communications Commission has transmitted rate filing procedures that allow cable operators to estimate future external costs, costs associated with system upgrades, and to recover those projected costs utilizing the FCC-1240 filing process which is performed annually. The purpose of this item was to request that the Board of Aldermen approve the 2004 Time Warner Cable Tolling and Accounting Order to extend the review period 90 days past the original 30 days allowed by the FCC.

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

A RESOLUTION TO APPROVE THE 2004 TIME WARNER CABLE
TOLLING AND ACCOUNTING ORDER TO EXTEND THE REVIEW PERIOD
Resolution No. 66/2003-04

BE IT RESOLVED by the Carrboro Mayor and Board of Aldermen that the Aldermen approve the 2004 Time Warner Cable Tolling and Accounting Order to Extend the Review Period.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this November 18th, 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 A BUDGET ORDINANCE

The purpose of this agenda item was to amend the FY03-04 fiscal year budget to transfer \$16,650 in funds from the Capital Reserve Fund previously set aside for parking lot renovations on Main Street.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

REIMBURSEMENT AGREEMENT FOR THE ROBERSON PLACE BIKEPATH

The Town of Carrboro has received funding from the N.C. Department of Transportation (NCDOT) and the Durham-Chapel Hill-Carrboro MPO to construct the Roberson Place Bikepath. NCDOT has prepared an Agreement for this project. It was recommended that the Board of Aldermen adopt a resolution authorizing the Mayor and Town Clerk to sign and execute the Reimbursement Agreement and adopt an ordinance amending the FY03-04 fiscal year budget to transfer \$11,400 from the Capital Reserve Fund to the General Fund for the local match portion of the project.

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

A RESOLUTION TO AUTHORIZE THE MAYOR AND TOWN CLERK TO SIGN AND EXECUTE THE AGREEMENT FOR PROJECT E-4008, ROBERSON PLACE BIKEPATH
Resolution No. 67/2003-04

WHEREAS, the Department and the Municipality have agreed to participate in the construction of an approximately 1,666 feet long, 10-foot wide asphalt/concrete multi-use trail from the intersection of Wesley Street and Eugene Street to Purple Leaf Place in Carrboro; and,

WHEREAS, the Municipality shall be responsible for the preparation of all environmental documentation and for the project plans, specifications, quantities and details, the relocation of all utilities and construction of the project; and,

WHEREAS, the Department agrees to reimburse the Municipality up to \$100,000 for the actual cost of the project and up to \$46,600 for construction costs only from the Durham-Chapel Hill-Carrboro Direct Attributable Funds to construct said trail. Reimbursement to the Municipality shall be made upon completion of the project.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4008 in 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 18th 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
Carrboro Board of Aldermen

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

A REQUEST TO APPROVE THE DECEMBER 7TH PLANNING RETREAT AGENDA

The Retreat Planning Committee has developed a proposed agenda for the December 7, 2003 Board of Aldermen Planning Retreat. The Retreat Planning Committee requested that the Board review and approve the proposed retreat agenda.

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

A RESOLUTION APPROVING THE DECEMBER 7, 2003
BOARD OF ALDERMEN PLANNING RETREAT AGENDA
Resolution No. 70/2003-04

WHEREAS, the Mayor and Carrboro Board of Aldermen hold an annual planning retreat to determine the direction in which they plan to lead the Town; and

WHEREAS, the Board appointed Aldermen Herrera and McDuffee to the Retreat Planning Committee, and

WHEREAS, the Committee has met with town staff, and the retreat facilitator, Peg Carlson, to develop an agenda.

NOW THEREFORE BE IT RESOLVED that the Mayor and the Board of Aldermen hereby approve the December 7, 2003 Board of Aldermen Planning Retreat Agenda.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this the 18th 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

A REQUEST TO APPROVE A BUDGET AMENDMENT

The Town has been awarded a grant for \$3,840 to conduct an ecosystem analysis of pre- and post-development conditions resulting from the application of Town regulations. It is necessary to amend the 2003-04 fiscal year budget to appropriate \$3,840.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE"

A REQUEST TO SET A PUBLIC HEARING: VOLUNTARY ANNEXATION OF THE FOWLER-WHEELER-BRIGHT PROPERTY

The purpose of this item was to accept a petition for the voluntary annexation of the Fowler-Wheeler-Bright Property and to set a public hearing for December 9, 2003.

A RESOLUTION SETTING A PUBLIC HEARING
TO CONSIDER THE ANNEXATION OF
PROPERTY OWNED BY JAMES FOWLER,
GINY WHEELER AND DANA BRIGHT
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 73/2003-04

WHEREAS, the Town of Carrboro has received a petition from the property owned by Robert Fowler III, Giny Laine Fowler Wheeler and Dana Jill Fowler Bright 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 December 9, 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 the 18th 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

PUBLIC HEARING: LAND USE ORDINANCE AMENDMENT TO CONTROL RESIDENTIAL TEAR-DOWN AND REBUILDING ACTIVITIES

Per the Board of Aldermen's direction, an ordinance has been drafted to control tearing down and rebuilding residential units where small homes are replaced with considerably larger structures. It was necessary for the Board of Aldermen to receive public comment prior to taking action on this matter.

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

James Carnahan stated that he wants to avoid out of character structures and changes having detrimental impacts. He's concerned that this will occur as our community becomes more desirable and expensive. He's in Carrboro Board of Aldermen

favor of adopting restraints - in favor of Appearance Commissions limits - having a zoning permit route where architectural standards/traffic impacts are laid out - i.e., Pine St. - a lot of traffic was brought in. We are looking for a walkable community and renters will still only have two spaces per car in multi-unit dwellings.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT A SPECIAL USE PERMIT, RATHER THAN A ZONING PERMIT, MAY BE REQUIRED FOR PROJECTS IN CERTAIN ZONING DISTRICTS INVOLVING THE CONSTRUCTION OF LARGE ADDITIONS TO EXISTING RESIDENTIAL STRUCTURES OR THE CONSTRUCTION OF LARGE RESIDENTIAL STRUCTURES ON LOTS WHERE RESIDENCES ALREADY EXIST OR FROM WHICH RESIDENCES HAVE RECENTLY BEEN REMOVED," WITH THE ADDITION OF THE FOLLOWING LANGUAGE: "THIS REQUIREMENT SHALL NOT APPLY IF AT LEAST ONE OF THE DWELLING UNITS IS AN AFFORDABLE HOUSING UNIT AS DEFINED IN SECTION 15-182.4(A)." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

The Board requested a review of this ordinance amendment in one year.

A REPORT ON THE HILLSBOROUGH ROAD NEIGHBORHOOD PARK ROAD ALIGNMENT

The purpose of this agenda item was to present the Hillsborough Road Neighborhood Park Subcommittee Report to the Board of Aldermen. This report recommended a road access option through the park.

Mayor Nelson made the presentation.

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION APPROVING THE ROAD ALIGNMENT FOR
THE HILLSBOROUGH ROAD NEIGHBORHOOD PARK
Resolution No. 72/2003-04

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen accept the subcommittee report, approve the road alignment option to serve as a guide for the Park Design Committee and direct staff to reinstate the design committee so that they can work along with Site Solutions to design the Hillsborough Road Neighborhood Park.

WHEREAS, the Mayor and Board of Aldermen reviewed the information provided.

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

Section 1. The Board hereby accepts the subcommittee report.

Section 2. The Board hereby approves the road alignment option to serve as a guide for the park design committee.

Section 3. The Board hereby directs staff to reinstate the design committee so that they can work along with Site Solutions to design the park.

Section 4. That the Park Design Committee consider the following items when designing the park: traffic calming devices, a drop off area, and parking only on one side of the road.

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 the 18th day of November, 2003:

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

Noes: Jacquelyn Gist

Absent or Excused: None

DISCUSSION OF ART IN TOWN-OWNED BUILDINGS

The recent controversy over a painting included as part of an art exhibit in the Town Hall has highlighted the lack of a town policy regarding the placement of such art in town-owned buildings. The purpose of this item was to provide the Board with the opportunity to discuss the general content of a policy on art on town property.

Mike Brough made the presentation.

Todd Mallet stated that he agrees with the Board, but asked for better judgment when dealing with peoples' concerns and think about responding to them and not worrying about the First Amendment. He is sorry for the animosity it created in the community. He was disappointed about the way concerned citizens were "laughed at" and thinks the Board should use better judgment - they were elected on nonpartisan platforms and their behavior, he believes, is partisan. He thinks a larger committee than one person selecting the artwork would be more effective. He believes diverse interests should be represented.

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

A RESOLUTION ACCEPTING A REPORT ON
ART IN TOWN-OWNED BUILDINGS
Resolution No. 06/2003-04

WHEREAS, the Mayor and Board of Aldermen have received a report from the town staff on the placement of art in public places; and

WHEREAS, the Mayor and Board of Aldermen have discussed whether it wishes to direct staff to draft a policy on art in town-owned buildings.

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

Section 1. The Mayor and Board of Aldermen hereby directs the following:

- Staff to assign a staff member to work with the Art Committee;
- The Art Committee should develop a description of a process for art selection, including an application process, for the Board's review;
- The Art Committee is required to have a quorum present to select art; and
- The town staff should advertise for Art Committee vacancies.

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 the 18th 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

DISCUSSION OF THE NEW HIGH SCHOOL CONSTRUCTION

The purpose of this item was to provide the Board of Aldermen with information regarding the third High School for their discussion.

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

Alderman Gist stated that she would like the schools to do a better job in facility sharing and interaction with the community that surrounds them.

Alderman McDuffee expressed concern about the transportation issues and parking at the school. She also expressed concern that the cafeteria be large enough to seat all students so that students do not have to leave campus at lunch.

Alderman Broun suggested that a representative from the school system have a discussion with the Board prior to submission of their plans.

Mayor Nelson suggested that a letter be sent to the school system expressing the Board's concerns as soon as possible.

Alderman Zaffron stated that the school board might subdivide some of their property and lease it for commercial space. He suggested that that commercial space be developed to provide services for students— food, school supplies, etc.

Alderman Herrera expressed concern that smart growth policies are not mentioned.

Mayor Nelson suggested that the letter to the school system include:

- That the school be named Carrboro High School
- Discussion of transit, traffic, walkability, and student parking
- Buffering to surrounding neighborhoods
- Light pollution
- Cafeteria seating
- Facility sharing

Mayor Nelson suggested that the Board hold a joint work session with the school board on December 4th to discuss the Board's concerns.

Tom High, a resident of Ray Road, stated that he agrees with the Carrboro name and applauds efforts to instigate dialogue with the school system. He stated that the school board is in the process of condemning the Carrboro Board of Aldermen

land and it is his understanding that the school system can pursue building and construction before they own the property. The County Commissioners have not given direction on smart growth and what the \$2.2 million will do. He suggested that Rock Haven connect with Tar Hill Drive

MEETING OF TRANSIT PARTNERS

Alderman McDuffee gave a report on the transit partners meeting concerning a recommendation on the transit consolidation study. She asked for Board approval to send the proposed memo to the Town of Chapel Hill.

Mayor Nelson stated that he doesn't feel it is in our best interest to join at this point.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE SUBMISSION OF THE MEMO TO THE TOWN OF CHAPEL HILL. VOTE: AFFIRMATIVE ALL

USE OF ANDREWS RIGGSBEE PROPERTY

Alderman Gist asked about a letter that was mailed to property owners concerning use of the Andrews Riggsbee property located at the corner of Carr Street and Maple Avenue.

Marty Roupe stated that the town has had discussions on possible uses of this property.

WEAVER STREET

Mayor Nelson requested that OWASA be asked to improve the condition of Weaver Street.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 10:27 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk