

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 25, 2004 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent

Aldermen	John Herrera
	Diana McDuffee

**INTRODUCTION OF NEW STAFF MEMBER**

Marty Roupe introduced Chad Hall, a new Zoning Development Specialist.

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**REQUEST TO SET A PRELIMINARY PUBLIC HEARING: CHAPEL HILL-CARRBORO HIGH SCHOOL #3**

The Chapel Hill-Carrboro School District has submitted CUP plans for the proposed High School # 3 to be located at located at 201 Rock Haven Road, off of Smith Level Road. Although staff is still reviewing the plans, a public hearing has been requested to allow for public discussion of the design.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Alex Zaffron.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CHAPEL HILL-CARRBORO  
HIGH SCHOOL #3 LOCATED AT 201 ROCK HAVEN ROAD  
Resolution No. 160/2003-04

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a conditional use permit for the Chapel Hill-Carrboro High School #3 to be located at 201 Rock Haven Road.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 8, 2004 to discuss comment on the proposed High School #3 project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of May, 2004:

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: John Herrera, Diana McDuffee

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**PUBLIC HEARING; FY04-05 MANAGER'S RECOMMENDED BUDGET**

The Board, prior to adopting the FY2004-05 budget ordinance, is required by GS 159-15 (b) to schedule a public hearing. This public hearing was designed to receive community input on the Manager's recommended budget for fiscal year 2004-05.

[There were no comments made by citizens.]

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**PUBLIC HEARING: USE OF INSTALLMENT FINANCING TO PURCHASE THE ADAMS TRACT**

The purpose of this agenda item was to hold a public hearing to receive public comment on the proposed installment financing for the Adams Tract, a 27-acre parcel of land that has been identified for preservation and public use purposes. Upon closing the public hearing, the Board was requested to adopt a resolution that allows the town to proceed with the financing for the property.

Mayor Nelson read the following statement from Steven Rose: "I strongly support the resolution authorizing the Town to enter into an installment loan agreement for its share of the money necessary to purchase the Adams Tract. It is imperative that this land be acquired for the people of our community. This is one of the best investments of taxpayer's money the Town will ever make."

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, HERRERA)

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

Resolution Approving Financing Terms  
Resolution No. 161/2003-04

*WHEREAS:* The Town of Carrboro ("Town") has previously determined to undertake a project for Acquisition of Approximately twenty-seven (27) Acres of Land, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated May 7, 2004. The amount financed shall not exceed \$600,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 5.00%, and the financing term shall not exceed fifteen (15) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as

they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of May, 2004:

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: John Herrera, Diana McDuffee

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**PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT RELATED TO GROUP HOMES**

A draft ordinance that makes the Town's definitions and permit requirements associated with group homes consistent with state and federal provisions has been prepared. Following the receipt of public comments, the Administration recommended that the Board of Aldermen adopt the draft ordinance.

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

Ellen Perry, a Carrboro resident with a developmental disability, stated that she feels that applications for group homes should be reviewed by the Board of Aldermen or Board of Adjustment. She also requested that the front door of Town Hall be made automatic to assist handicapped individuals.

Alderman Gist requested that this public hearing be continued until Residential Services, the ARC, OPC Foundation, Club Nova, Freedom House, and Orange County Department of Social Services are made aware of the proposed amendment.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CONTINUE THIS PUBLIC HEARING UNTIL JUNE 22, 2004. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

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**PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT RELATED TO PERMIT MODIFICATIONS WHERE NONCONFORMING SITUATIONS MAY BE ALLOWED TO REMAIN**

A draft ordinance that clarifies the ordinance requirements associated with nonconforming situations was presented. Following the receipt of public comments, the Administration recommended that the Board of Aldermen adopt the draft ordinance.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THE CIRCUMSTANCES UNDER WHICH PERMITS MAY BE ISSUED OR MODIFICATIONS OF PERMITS APPROVED WITHOUT REQUIRING THE ELIMINATION OF NONCONFORMING SITUATIONS." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

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**PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO PROVIDE FOR CONDITIONAL USE DISTRICTS**

The purpose of this item is to consider the possibility of developing conditional use districts for use in the downtown and elsewhere in Carrboro's jurisdiction. The draft ordinance creates conditional use district "twins" for all but the watershed and overlay zoning districts. Following the receipt of public comments, the Administration recommended that the Board of Aldermen adopt the draft ordinance.

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

Jay Bryan spoke against the proposed amendment and suggested that the two processes (rezoning and permitting) be kept separate.

Kevin Hammick, a landscape architect, spoke in favor of conditional use zoning.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK CHILTON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR CONDITIONAL USE ZONING DISTRICTS." VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GIST), ABSENT TWO (HERRERA, MCDUFFEE)

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**DRAFT LETTER TO THE COUNTY COMMISSIONERS REF. SOLID WASTE FEES**

Mayor Nelson presented a draft of a letter to the Orange County Board of Commissioners regarding waste reduction, reuse and recycling and requested authorization to forward this letter to the County.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK CHILTON TO AUTHORIZE THE MAYOR TO SEND THE DRAFT LETTER TO THE COUNTY COMMISSIONERS. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

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**CONSERVATION EASEMENT ON ADAMS PROPERTY**

It was the consensus of the Board to request that the Town Manager notify Orange County that the conservation easement on the Adams Tract should be consistent with the requirements of the Land and Water Conservation Fund.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MARK CHILTON TO ADJOURN THE MEETING AT 8:55 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

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Mayor

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Town Clerk