

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 9, 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
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

### **REQUEST TO THE BOARD**

James Carnahan asked the Board to reconsider their decision to not be involved in the Homelessness Roundtable discussion.

Mayor Nelson stated that the Board wants to participate but the time only allowed one Board member to participate. He said they were disappointed that a request for funding and time were set without the Board being consulted.

Alderman Jacquelyn Gist stated that community problems are not solved without community input but that only a handful of people can set their own schedules and that too many important meetings are scheduled when most people are unavailable - not just the Board, but members of the community.

Alderman Alex Zaffron stated that he agreed to show up prior to consulting the other Board members, but the whole Board agrees that everyone must be engaged.

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### **CHARGE IS READ TO NEW COMMITTEE MEMBER**

John O'Leary was read his charge to become a member of the Transportation Advisory Committee.

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### **READING OF PROCLAMATION**

Mayor Nelson read the Year of Languages Proclamation.

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### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE OCTOBER 26, 2004 MINUTES. VOTE: AFFIRMATIVE ALL

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**PUBLIC SERVICE GAS FRANCHISE**

The purpose of this item is for the Board of Aldermen to adopt an ordinance granting a franchise to Public Service Company of North Carolina, Incorporated (a subsidiary of Scana Corporation) to continue to operate a natural gas utility system with the Town of Carrboro.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, A SUBSIDIARY OF SCANA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO USE AND OCCUPANY THE PUBLIC WAYS OF THE TOWN OF CARRBORO, NORTH CAROLINA, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS UTILITY SYSTEM AND ALL NECESSARY MEANS FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN SAID TOWN FOR A PERIOD OF THIRTY YEARS," ON FIRST READING. VOTE: AFFIRMATIVE ALL

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**A REQUEST TO SET A PUBLIC HEARING ON MORNINGSTAR MINI STORAGE FACILITY CONDITIONAL USE PERMIT**

Mr. David Blevins, with Development Engineering, representing the property owner, has submitted an application for a Conditional Use Permit (CUP) to allow construction of a one-story mini-storage facility (Use 10.210) at 321 NC Highway 54, where a three-story building was previously approved. The request consists of a reduction in the overall square footage permitted on the site from 163,363 square feet to 70,950 square feet. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit application. The town staff recommended that the Board set a public hearing for December 7, 2004, for consideration of the conditional use permit request.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO SET A PUBLIC HEARING FOR DECEMBER 7, 2004. VOTE: AFFIRMATIVE ALL

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**A REQUEST TO CONDUCT A TIME WARNER CABLE FRANCHISE FEE AUDIT**

The Town of Carborro is a member of the Cable TV Consortium directed by the Triangle J Council of Governments (TJCOG) for the purpose of regulating cable TV rates and franchising cable TV service in the Town. The Town and several other consortium members have directed TJCOG to procure the professional services necessary to conduct an audit of Time Warner Cable franchise fee payments. The Board of Aldermen was requested to authorize the Town Manager to execute a memorandum of agreement with the TJCOG to conduct the audit.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO  
EXECUTE A MEMORANDUM OF AGREEMENT  
TO CONDUCT A CABLE FRANCHISE FEE AUDIT  
Resolution No. 54/2004-05

Whereas the franchise agreement with Time Warner Cable allows for an independent audit of franchise fee payments.

BE IT RESOLVED by the Board of Aldermen that the Town Manager is authorized to execute the Memorandum of Agreement with the Triangle J Council of Governments to conduct an audit to ascertain the accuracy of franchise fee payments.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 9th day of November, 2004:

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

Noes: None

Absent or Excused: None

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**AWARD OF CONTRACT FOR PROFESSIONAL PLANNING SERVICES TO UPDATE THE RECREATION AND PARKS COMPREHENSIVE MASTER PLAN**

The purpose of this agenda item was to consider awarding the contract to HadenStanziale to update the Recreation and Parks Comprehensive Master Plan. Town staff recommended that the Board adopt a resolution awarding the contract to HadenStanziale. The Board was also requested to approve a budget amendment appropriating funds for the Master Plan contract.

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

**A RESOLUTION AWARDING THE RECREATION AND PARKS  
COMPREHENSIVE MASTER PLAN CONTRACT  
Resolution No. 58/2004-05**

WHEREAS, the Recreation and Parks Master Plan Management Group has requested that the Mayor and Board of Aldermen review the contract and award the professional planning services contract to update the Recreation and Parks Master Plan to HadenStanziale.

WHEREAS, the Mayor and Board of Aldermen reviewed and approved the scope of services and agreement.

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

Section 1. The Board hereby adopts this resolution authorizing the Town to enter into a contract with HadenStanziale to render professional planning services for the Recreation and Parks Comprehensive Master Plan not to exceed \$25,000 - \$20,375 master plan document, reimbursable expenses - \$2,500 and contingency - \$2,125.

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 9th day of November, 2004:

Ayes: Joal Hall Broun, Mark Chilton, John Herrera, Michael Nelson, Diana McDuffee,

Noes: Jacquelyn Gist, Alex Zaffron

Absent or Excused: None

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2004-05 BUDGET ORDINANCE." VOTE: AFFIRMATIVE: FIVE, NOES: TWO: GIST, ZAFFRON

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**PUBLIC HEARING: TEMPORARY STREET CLOSING REQUEST: 8<sup>TH</sup> ANNUAL GALLOP & GORGE 8K ROAD RACE**

Cardinal Track Club has submitted a Street Closing Permit Application for the temporary closing of town streets from 8:00 am to 9:15 am on Thursday, November 25, 2004 to accommodate the *Gallop and Gorge 8K Road Race*. The town staff recommended approval of the street closing request with conditions.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING AT 7:46 PM. VOTE: AFFIRMATIVE: ALL

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF  
TOWN STREETS TO ACCOMMODATE THE  
*8<sup>th</sup> Annual Thanksgiving Day Gallop & Gorge 8K Road Race*  
Resolution No. 51/2004-05

Section 1. The following streets shall be temporarily closed from 8:00 am to 9:15 am on Thursday, November 25, 2004 to accommodate the *Gallop and Gorge 8K Road Race*. 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.

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

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

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 9th day of November, 2004:

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

Noes: None

Absent or Excused: None

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### **CEMETERY DISINTERMENT AT 130 S. MERRITT MILL ROAD**

The South Atlantic Group requested permission from the Board of Aldermen to remove and relocate graves on their vacant property located at 130 S. Merritt Mill Road (tax map number 7.92.J.9E) . The property is zoned R-2. The town staff recommended that the Board of Aldermen adopt a resolution permitting the disinterment if they chose to support the disinterment of the existing cemetery located in the southwest quadrant of 130 S. Merritt Mill Road.

Jeff Kleveland, the Town's Zoning Development Specialist, made a presentation to the Board. South Atlantic Board has requested permission to relocate graves. He mentioned an email he received from Mrs. Bebe Johns Fox (grand-daughter of Bruce Strowd) requesting that the Board take the proper amount of time to identify the graves and consult with a local genealogist and/or historian.

Mr. Boscoe Fulcher addressed the Board. He said that he called all of the Strowds in the Carrboro/Chapel Hill phone book and talked to most everyone. He said that the Orange County Vital Statistics has no record. He ran an ad for four consecutive weeks in the Chapel Hill News. He met with Wallace Womble, of the Carrboro cemetery commission and he said they'd exhausted their search. He stated that he is chairman of the NC Cemetery Commission and he wants to do what is right and that it is important for him to preserve the heritage.

Mr. William Gattis addressed the Board. He stated that, from 1942-88, the community's history was destroyed and there was no concern about the people who lived there. He stated that this cemetery is the last and only piece of history that reflects back to the Strowds.

Terry Buckner addressed the Board. She said there was no genealogical investigation. Ms. Fox will help get a historical review of the cemetery. There are other resources if the Board can postpone the decision tonight.

Richard Ellington, a resident of Bruton Drive, addressed the Board. He asked that the unidentified people be left alone – that they are in a final resting place and deserve respect.

Mayor Nelson asked to be reminded about what triggered this request.

Marty Roupe, the Town's Development Review Administrator, said that an application for 164 multi-family apartments is currently in the review process and not ready to present to advisory board or Board of Aldermen.

Alderman Alex Zaffron said that the questions raised confirm that this action be delayed and that Mr. Gattis has opened a trail to history worth honoring. He finds it a compelling reason to deny the disinterment. He doesn't think the people should be faulted who wanted it; but that Mr. Gattis made a case that these graves are of historical significance to the Board.

Mayor Nelson said that the folks that submitted this have done everything that the Board asked them to do and they should be commended for that. He said that he hopes that they can rework their development so they can

do what they're planning but with preserving the gravesites. Marty Roupe said it's in an early enough stage that they can modify. He commends the people who commented.

Alderman John Herrera stated that there is so much to know and he encouraged the owner of the property to work with the Board to learn more and make this an historical site.

Alderman Diana McDuffee agreed with comments about significance in leaving graves where they are and that it could be advantageous to the developer in having to keep the graves.

**A MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO DENY THE DISINTERMENT OF THE GRAVES. VOTE: AFFIRMATIVE ALL**

Alderman Alex Zaffron expressed an interest in pursuing an historic district designation and recommended pulling in genealogists to follow what Mr. Gattis has researched. He asked staff to have a reporter work with Mr. Gattis to pursue the process.

Alderman John Herrera thinks it's a great idea. He stated that he gets letters from the State Human Relations Committee with a grant program (federal/state money) and he asked staff to hire a consultant with the grant to do research and document and identify the sites in Carrboro.

Mayor Nelson thanked Mr. Gattis for being informative.

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### **GRAPE ARBOR REQUEST FOR THE TOWN TO SERVE AS FISCAL AGENT**

The purpose of this item was to present to the Board of Aldermen a request from the Grape Arbor Development Corporation for the Town of Carrboro to assist the organization by serving as a fiscal agent for Economic Development Initiative (EDI) funds in the amount of \$198,820.

Alderman Joal Hall Broun asked to be recused from this item because she is on the Board of Directors of the Grape Arbor Development Corporation.

**A MOTION WAS MADE BY ALDERMAN ALEX ZAFFRON AND SECONDED BY ALDERMAN JOHN HERRERA TO RECUSE ALDERMAN JOAL BROUN FROM VOTING ON THIS MATTER. VOTE: AFFIRMATIVE ALL**

Archie Irving, one of the members of the Board of Directors, addressed the Board. He stated that they are a non-profit that provides enhancement opportunities for youth. He said they offer intellectual, moral, and spiritual assistance. They have a board of 21 members and have been meeting regularly for a year and a half. They were awarded a grant and request assistance to assist them in their aspirations. They want to acquire/develop a center in Carrboro and hope that Carrboro can help with the concept.

Alderman Zaffron offered congratulations.

Alderman Jacquelyn Gist wanted to know more about what they're going to do.

Archie Irving stated that the idea is to enhance the outcome of youth education in Carrboro and to provide a place within the community to connect initiatives - effect outcome - grassroots - be engaged with families, agencies. They wish to partner in many issues including a better environment for youth to reach their potential. They are focused on inspiring academic excellence - many issues - test gap achievement, dropout issues, developing and helping youth with enhanced self image - sound moral

Faith Ferrar addressed the Board. She stated that they are in the process of finalizing some programs for the youth to reach their potential and that there is an after school program at Hargraves and that they are trying to partner with them.

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

A RESOLUTION AUTHORIZING THE TOWN OF CARRBORO  
TO SERVE AS THE FISCAL AGENT FOR THE GRAPE ARBOR DEVELOPMENT CORPORATION  
FEDERAL EDI GRANT # B-04-SP-NC-0575  
Resolution No. 57/2004-05

WHEREAS: the Grape Arbor Development Corporation has received notification that it has been awarded an Economic Development Initiative grant in the amount of \$198,820; and

WHEREAS: the Grape Arbor Development Corporation has requested that the Town of Carrboro serve as the fiscal agent for the grant; and

WHEREAS: the Town of Carrboro has the capacity to serve as the fiscal agent; and

WHEREAS: the proposed project is located at the entryway into Carrboro and the project will provide enrichment and development activities to enhance the academic, personal, and moral development of youth in the Carrboro-Chapel Hill community; and

WHEREAS: the Town of Carrboro would like to support the development of the children of the community and facilitate the redevelopment of a prominent building at the entryway in to Carrboro.

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

Section 1. The Board of Aldermen authorizes the Town Manager to execute the memorandum of understanding for the Town to serve as the fiscal agent for the grant.

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 9th day of November, 2004:

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

Noes: None

Absent or Excused: None

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**2005 PLANNING RETREAT**

Steve Stewart announced the dates for the Retreat Committee: Feb. 13<sup>th</sup> - afternoon and all day Feb. 14<sup>th</sup>. He advised the Board to pencil the dates in well in advance

Alderman Jacquelyn Gist asked to be sent an email on this.

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### **LETTER FROM JOHN SMITH**

Alderman Joal Hall Broun asked the Board to schedule a worksession to discuss a letter from John Smith, a former representative of OWASA. She would like to discuss this fairly soon. OWASA and governance should be brought up at the next Assembly of Governments meeting. Water and sewer are a separate agency but we need to be physically constraint about what we do and not overly burden ourselves with too much debt. She wants a report from OWASA and Mr. Smith and the present representative, Ms. Holloway.

Mayor Mike Nelson said they would schedule a worksession as soon as they can.

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### **AFFORDABLE HOUSING**

Alderman Alex Zaffron discussed his memo to the Board re: additional incentive mechanism for affordable housing. The idea: to steal from the general mechanism used by smart growth matrix and apply to affordable housing. There are two essential cues - one is fast and one is slow. It is a process. The attorney has reviewed the recommendation and doesn't have a problem legally with the basic idea. He spoke with Marty and it seems like there is a way to do it. He said a lot of applications are coming in and he'd like it to apply to them.

Mayor Mike Nelson said to schedule it as an agenda item.

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### **SIDEWALK REVIEW COMMITTEE**

Alderman Mark Chilton asked how things are going with the Sidewalk Committee.

Alderman Jacquelyn Gist said that they have only met to decide who it is and what it will do. They will meet with the neighbors soon.

Steve Stuart said that the next meeting is scheduled for November 30<sup>th</sup>.

Alderman Diana McDuffee stated that that is when they are going to look at the two petitions put before them.

Alderman Mark Chilton said that the current arrangements for Shelton, Poplar, Ashe, Lindsay and Oak present us with a case-by-case decision and he is concerned that it won't lead toward an integrated plan. He asked that they look at a walk zone map for Carrboro Elementary for a big impact.

Alderman Diana McDuffee said that Andreas Hay would chair the committee. They made rules about the kind of majority they would need to agree.

A MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO GO INTO CLOSED SESSION AT 8:55 PM TO DISCUSS A MATTER OF ATTORNEY CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

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Mayor

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Deputy Town Clerk