

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 1, 2005 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
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPROVE THE JANUARY 18 AND 25, 2005 MINUTES. VOTE: AFFIRMATIVE ALL

DISCUSSION OF ALTERNATIVE REVENUE OPTIONS WITH A PRESENTATION BY DR. LEE MANDELL WITH THE N.C. LEAGUE OF MUNICIPALITIES

In the 2004-2005 Work Plan, one of the Board of Aldermen Strategic Priorities is to “Diversify Revenue Stream to Maintain Ethnic and Economic Diversity.” An annual goal under this priority is to “Seek new or alternative revenue sources.” The purpose of this agenda item was to discuss these new or alternative revenue options. Dr. Lee Mandell, with the League of Municipalities, presented his ideas and opinions regarding the various revenue sources, their criteria for success in the General Assembly, what is currently going on at the legislature, and what is expected to transpire in the upcoming legislative session in regards to local revenues.

Alderman Zaffron asked about the status of a bill submitted last year regarding revenue return based on revenue generated by tourism projects.

Dr. Mandell said that he had not heard anything about that bill so far this year.

Alderman McDuffee asked about Hillsborough’s prepared food and beverage tax. Would Carrboro have to obtain special legislation for that tax?

Dr. Mandell suggested that Carrboro join with other jurisdictions in Orange County to request this authorization.

A REQUEST TO ADOPT THE ACTION AUDIT TIME WARNER CABLE RATE REPORT

Time Warner Cable of Raleigh-Durham (TWC) has submitted Federal Communications Commission (FCC) Form 1240 (Basic Service Tier), Form 1205 (Equipment and Installation Rates), and Form 1235 (Cable System Upgrade Costs). The Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, the Town Code, and regulations adopted pursuant to that Code, permit the

Board of Aldermen to regulate rates for basic cable services and associated equipment installation. Bob Sepe, a consultant with Action Audits, has reviewed TWC's cable television rate filings and has prepared a report. The Board was asked to review and to adopt the report.

Katherine Rice with Triangle J Council of Governments made the presentation. She stated that they were taking issue with the upgrade cost.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION TO ADOPT THE ACTION AUDIT
TIME WARNER CABLE RATE REPORT
Resolution No. 86/2004-05

Whereas, the Board of Aldermen has reviewed the Action Audit Time Warner Cable Rate Report.

Now therefore be it resolved that the Board of Aldermen adopts the report as its own.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of February, 2005:

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

Noes: None

Absent or Excused: None

SIDEWALK FOR LISA DRIVE

The purpose of this item was for the Board of Aldermen to consider constructing a sidewalk on the west side of Lisa Dr. as part of the Lisa Dr. paving improvement. The town staff recommended the Board waive the required meeting requirements for the sidewalk design on Lisa Dr. from Deer St. to Quail Roost and direct the staff to include the construction of sidewalk on the west side of Lisa Dr. with the proposed paving improvement

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

A RESOLUTION DIRECTING THE TOWN STAFF TO INCLUDE
CONSTRUCTION OF A SIDEWALK ON LISA DRIVE
AS PART OF THE PAVING PROJECT
Resolution No. 81/2004-05

WHEREAS, the town's six-year sidewalk bond program proposes constructing sidewalks at 67 different project locations; and

WHEREAS, a sidewalk on Lisa Drive from Carol Street to Quail Roost Drive is a part of the overall program, but was not included in Phase I of the sidewalk construction program; and

WHEREAS, constructing a sidewalk on the west side of Lisa Drive as part of the Lisa Drive paving improvement will reduce the impact on tree removal and disruption to the neighborhood.

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

Section 1. The Board hereby waives the required meeting requirements for the sidewalk design on Lisa Drive from Deer Street to Quail Roost Drive, and directs the town staff to include the construction of the sidewalk in the paving project. The cost of the construction for the sidewalk, curb and gutter, and drainage systems will be paid for with sidewalk bond funds.

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 1st day of February, 2005:

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

Noes: None

Absent or Excused: None

PETITION TO PAVE LISA DRIVE

The town has received a petition requesting the paving of Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street. The Board of Aldermen indicated at its March 2, 2004 meeting that it would like Lisa Drive to be paved at the same time as Quail Roost Drive. The town staff recommended that the Board adopt a preliminary assessment resolution declaring its intent to undertake the paving of Lisa Drive and setting a public hearing for March 22, 2005.

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

**PRELIMINARY RESOLUTION STATING THE BOARD'S INTENT
TO CONSIDER UNDERTAKING A
STREET PAVING PROJECT ON LISA DRIVE
PROJECT FINANCED IN PART BY SPECIAL ASSESSMENTS
Resolution 71/2004-05**

WHEREAS, the Town has received a petition requesting that Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street be improved in the following manner: street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street.

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

Section 1. The Board hereby expressed its intent to pave Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street.

Section 2. Fifty (50%) percent of the total cost of this improvement (not including the costs of paving at street intersections) shall be assessed against the properties that abut the Lisa Drive improvements at an equal rate per foot of frontage. However, when a project is undertaken along two (2) sides of a corner lot, 75% of the frontage of the shorter side of such lot, up to a maximum of 125 feet, shall be exempt from assessment.

Section 3. The owners of property assessed shall, within thirty (30) days after publication of the notice that the assessment roll has been confirmed, either pay the full amount of the assessment in cash or notify the Town of their election to pay the assessed amount in five (5) annual installments with interest at the rate of eight (8%) percent on the unpaid principal amount. If payment on an installment basis is chosen, the first installment with interest shall become due and payable on the date when property taxes are due and payable (September 1), and one subsequent installment and interest shall be due and payable on the same date in each succeeding year until the assessment is paid in full.

Section 4. A public hearing on all matters covered by this resolution shall be held on the 22nd day of March 2005 at 7:30 p.m. in the Carrboro Town Hall, 301 West Main Street, Carrboro, North Carolina.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of February, 2005:

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

Noes: None

Absent or Excused: None

REPORT ON PROPOSAL FOR A TWO-TIERED DEVELOPMENT REVIEW SYSTEM FOR RESIDENTIAL PROJECTS

On November 5, 2004, Alderman Alex Zaffron proposed that the Board of Alderman establish a new procedure for the review of development applications that would give preference to projects that take advantage of the Town's Affordable Housing Density Bonus, and therefore include 15 percent affordable units. A report on this matter has been prepared and a resolution was provided.

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

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

A RESOLUTION ACCEPTING A REPORT ON A PROPOSAL FOR A TWO-TIERED DEVELOPMENT REVIEW SYSTEM AND DIRECTING STAFF TO DRAFT LAND USE ORDINANCE PROVISIONS REQUIRING AN 'AFFORDABLE HOUSING REVIEW MEETING' FOR RESIDENTIAL PROJECTS REQUIRING A SPECIAL OR CONDITIONAL USE PERMIT, WHEN SUCH PROJECTS DO NOT CONTAIN A MINIMUM OF 15% AFFORDABLE UNITS

Resolution No. 85/2004-05

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are responsive to community needs; and

WHEREAS, the Carrboro Board of Aldermen seeks to provide a process that results in the effective implementation of its existing and proposed policies;

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN that the Board of Aldermen accepts the report on a proposal for a two-tiered development review system and directs staff to prepare ordinance provisions requiring an 'affordable housing review meeting,' for any residential project requiring a Special or Conditional Use Permit, when such projects do not contain a minimum of 15% affordable units, as defined by Section 15-182.4 of the Town's Land Use Ordinance. The review sessions will be scheduled on a quarterly basis.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of February, 2005:

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

Noes: Jacquelyn Gist

Absent or Excused: None

COURTESY REVIEW OF POTENTIAL DEVELOPMENT PROJECTS PRIOR TO FORMAL SUBMITTAL OF LAND USE PERMIT APPLICATIONS

At its January 11, 2005 meeting, the Board of Aldermen requested that staff explore the establishment of a formal procedure for Board review of potential Conditional Use Permit development applications. Staff has explored the idea and devised a potential procedure for such reviews. The Board was asked to review the information and consider adopting a resolution, which would establish a formal procedure for Board review of potential Conditional Use Permit development projects prior to the formal submittal of Land Use Permit Applications.

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

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION ACCEPTING THE REPORT ON COURTESY REVIEWS
OF DEVELOPMENT APPLICATIONS AND ESTABLISHING A PROCEDURE
FOR THE VOLUNTARY SUBMITTAL OF CONDITIONAL USE PERMIT
DEVELOPMENT CONCEPT PLANS FOR REVIEW BY
THE BOARD OF ALDERMEN
Resolution No. 94/2004-05

WHEREAS, the Carrboro Board of Aldermen desires to see quality development and redevelopment projects throughout the Town's planning jurisdiction; and

WHEREAS, it is in the interests of all citizens of Carrboro that development take place in a manner that positively contributes to the community both socially and economically; and

WHEREAS, potential Conditional Use Permit development projects may benefit from the Board of Aldermen providing general guidance in a nonbinding manner prior to substantial investment by private parties;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that a voluntary procedure is hereby established, which allows individuals to meet with the Board of Aldermen, if they choose to do so, to discuss conceptual project plans prior to formally submitting a Conditional Use Permit Application. Any individuals who wish to take advantage of the opportunity to discuss a Conditional Use Permit conceptual plan with the Board of Aldermen shall contact the Town's Community & Economic Development Director to coordinate the submittal of information to share with the Board of Aldermen and to schedule a meeting date.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of February, 2005:

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

Noes: None

Absent or Excused: None

DISCUSSION OF SPECIAL LEGISLATION

Mayor Nelson requested that the town staff schedule a Board discussion of special legislation sometime during the month of February.

Alderman Zaffron asked that the town staff provide the Board with copies of the legislative agendas for the N.C. Metropolitan Coalition and N.C. League of Municipalities.

REQUEST FOR SCHOOL DISTRICT INFORMATION

Alderman Broun requested that the town staff provide the Board with copies of the school system's policy on allowing students outside of the Chapel Hill-Carrboro City School district to attend the city schools.

STATUS REPORT ON CONSTRUCTION OF THE CARRBORO HIGH SCHOOL

Alderman Chilton asked for a status report on the new high school.

Marty Roupe stated that the town staff is awaiting the fourth set of plans for review. The town staff will do everything possible to get this matter on the Board's agenda for public hearing as quickly as possible following review of the plans.

REPORT ON CHAPEL HILL TRANSIT PARTNERS MEETING

Alderman McDuffee gave a report on last week's meeting of the Chapel Hill Transit Partners.

PEDESTRIAN SAFETY AT THE JONES FERRY/DAVIE ROAD INTERSECTION

Alderman Herrera requested that the town staff explore ways to improve pedestrian safety at the Jones Ferry/Davie Road intersection.

STATUS REPORT ON PURCHASE OF LAND FOR A FIRE STATION

Alderman Herrera requested a status report on the purchase of land on which to construct a fire station.

Mr. Stewart stated that the town staff is currently talking with two landowners.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO EVALUATE THE TOWN CLERK. VOTE: AFFIRMATIVE ALL

MERIT INCREASE FOR THE TOWN CLERK

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO GRANT THE TOWN CLERK A 2% MERIT INCREASE RETROACTIVE TO JANUARY 5, 2005. VOTE: AFFIRMATIVE ALL

MOTION WAS MAE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 9:20 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk