A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 8, 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

## PRESENTATION OF B-1(F) SUBCOMMITTEE RECOMMENDATIONS

In early March 2004, the Board of Aldermen directed staff to develop ordinance provisions to establish two new downtown zoning districts. A subcommittee was appointed in June to evaluate the proposals. The subcommittee recommended an alternative draft ordinance.

Trish McGuire, the Planning Administrator, made the presentation.

David Clinton and James Carnahan, members of the B-1(f) Subcommittee, spoke. Mr. Carnahan stated that the horizontal breaks are to give transition from the commercial character to the residential character. Mr. Clinton stated that the committee is also discussing the use of pocket parks in open space areas located in the downtown where sculptures, stone chessboards, benches, shade, etc. could be located.

Alderman Zaffron suggested that the Board discuss open space in mixed-use developments.

Mayor Nelson suggested that this matter be scheduled for the March Worksession.

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

#### A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE B-1(F) SUBCOMMITTEE REGARDING CREATION OF A DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT Resolution No. 96/2004-05

WHEREAS, the Board of Aldermen established a subcommittee to review zoning strategies that would mitigate the negative impacts of increased development in commercial zoning districts on nearby residential areas, and;

WHEREAS, the subcommittee has completed its review and recommended the creation of a downtown neighborhood protection overlay district as described in the draft ordinance entitled "An Ordinance Amending the Land Use Ordinance to Create a Downtown Neighborhood Protection Overlay District."

NOW, THEREFORE BE IT RESOLVED, that the Board of Aldermen accepts this information and refers the proposal to staff for evaluation, and to prepare the necessary text amendments.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8tht 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

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#### PRESENTATION BY WORK2OWN

Representatives from the group Work2own will present an overview of Work2own and how they could assist the Town of Carrboro. The town staff recommended that the Board accept the report and refer this matter to the town staff for consideration.

Sam Brooks, a local realtor, spoke in favor of the Work2own proposal. She stated that there are currently 120 properties in Orange County currently on the market priced for under \$150,000. She stated that 14 of these properties are located in Carrboro.

Jason Rusnak, with Work2own, made the presentation.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

#### A RESOLUTION ACCEPTING THE REPORT FROM WORK2OWN Resolution No. 95/2004-05

## BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board hereby accepts the report from Work2own and refers this report to the town staff for review and consideration.

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 8<sup>th</sup> 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

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## ALTERNATIVE DESIGN FOR THE SMITH LEVEL ROAD PROJECT

On January 5, 2005, the N.C. Department of Transportation proposed an alternative to the four-lane widening project for Smith Level Road between Morgan Creek and Rock Haven Road. This agenda item provided an

opportunity for the Board of Aldermen to consider the NCDOT alternative. Town staff has identified three options for consideration by the Board.

Dale McKeel, the town's Transportation Planner, made the presentation.

Alderman Zaffron suggested that the town discuss with NCDOT the possibility of a long-term, self-financing mechanism.

Alderman Gist suggested that the school system pay for a portion of the improvements, since the proposed new high school is a driving force for the widening project.

George Seiz, the town's Public Works Director, stated that the water and sewer lines are currently outside the edge of pavement, but with the upgrade, they would possibly need to be relocated and/or upgraded.

Alderman Herrera asked if the town would be facing a liability if it does not approve the NCDOT recommendation for widening.

Mike Brough stated that he did not think the town would have a liability based on design.

Alderman Chilton suggested the town could offer to pay for the sidewalks only and use sidewalk bond funds to construct those sidewalks.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO DISCUSS WITH NCDOT THE POSSIBILITY OF THE TOWN PAYING FOR THE SIDEWALKS ONLY, AND THE POSSIBILITY OF CREATING A LONG-TERM SELF-FINANCING MECHANISM. IN ADDITION, THAT THE TOWN DISCUSS WITH THE SCHOOL BOARD THE POSSIBILITY OF THEIR CONTRIBUTING TO THE COST OF THE WIDENING PROJECT. VOTE: AFFIRMATIVE ALL

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# A MINOR MODIFICATION TO THE CROWN CASTLE TELECOMMUNICATIONS TOWER CUP

Cingular Wireless has applied for a minor modification to the Crown Castle Telecommunications Tower conditional use permit located at 200 Redfoot Drive. The Crown Castle GT Telecommunications Tower CUP was last amended on March 18<sup>th</sup>, 2003 (to allow the installation of an additional antenna to the tower as well as installing equipment within the existing fenced in area). The proposed minor modification consists of adding a new antenna to the tower as well as clearing a 30 foot by 30 foot area to the south of the existing fenced in area. The "new" fenced in area will contain the related equipment for the Cingular Wireless co-location. Per Section 15-176 (15) of the Land Use Ordinance (LUO), additional antenna arrays located on existing towers must be approved through the minor modification process. The town staff requested that the Board of Aldermen review the request and make a decision regarding the minor modification.

James Thomas, one of the town's Development Review Specialists, made the presentation.

David Law with Cingular Wireless, stated that the purpose of the site is to improve their coverage in the northwest area of Chapel Hill. Cingular will comply with the proposed configuration and will not exceed the ERP levels provided and will be within compliance with FCC emission standards.

Karen Prather with Cingular Wireless, stated that Cingular Wireless needs improved coverage as well as more coverage so they pursued co-location on an existing tower.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman John Herrera.

## A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE CROWN CASTLE TELECOMMUNICATION TOWER LOCATED AT 200 REDFOOT DRIVE ALLOWING CINGULAR WIRELESS TO LOCATE AN ANTENNA ON THE TOWER AND TO CLEAR A 30 FOOT BY 30 FOOT AREA TO THE SOUTH OF THE EXISTING FENCED IN AREA TO INSTALL ADDITIONAL EQUIPMENT RELATED TO THE CO-LOCATION Resolution No. 83/2004-05

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 200 Redfoot Drive on June 25, 1996; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Crown Castle conditional use permit located at 200 Redfoot Drive allowing Cingular Wireless to install an antenna on the tower and to clear a 30 foot by 30 foot area to the south of the existing fenced in area to install additional equipment related to the co-location with one condition:

1. That the applicant install wax myrtles around the "new" 30-foot by 30-foot fenced in area in order to satisfy Section 15-176(9) of the LUO.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th 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

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## MORGAN AND LITTLE CREEKS ECOSYSTEM ENHANCEMENT PROGRAM LOCAL WATERSHED PLANNING EFFORT

The purpose of this item was to present the Morgan & Little Creeks Local Watershed Plan Targeting of Management Report to the Board of Aldermen.

Noah Ranells, the town's Environmental Planner, made the presentation.

Alderman Zaffron requested that the town staff review the uses proposed for town property where BMP restoration projects are proposed.

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

Carrboro Board of Aldermen

February 8, 2005

#### A RESOLUTION ACCEPTING THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM TARGETTING OF MANAGEMENT REPORT FOR THE MORGAN AND LITTLE CREEKS LOCAL WATERSHED PLANNING EFFORT Resolution No. 87/2004-05

WHEREAS, the Carrboro Board of Aldermen seeks to partner with other local and state partners to assess opportunities for improving stormwater management and reducing export of nutrients and pollutants to Bolin and Morgan Creeks, as well as Jordan Lake, and

WHEREAS, the Town of Carrboro partnered with the North Carolina Ecosystem Enhancement Program (EEP; formerly the Wetlands Restoration Program) in a local watershed assessment and restoration project to assess the Carrboro watershed, select potential restoration projects, and follow up with implementation and monitoring of selected projects, and

WHEREAS, the NC EEP has completed the assessment project and submitted the "Targeting of Management" report to participants, and

WHEREAS, the NC EEP (formerly WRP) contract indicated in Section 2 item 3 that EEP agreed to "Implement one or more projects within the Town of Carrboro area based on feasibility studies, the NCWRP's need for projects, as well as compatibility with town planning priorities."

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept project reports, direct staff to prepare a letter to NC EEP acknowledging receipt of and expressing appreciation for the "Targeting of Management" report as well as direct staff to facilitate a priority list for implementation of best management practices and restoration projects for Board of Aldermen review and approval.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th 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

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## DISCUSSION OF LEGISLATIVE ISSUES

At the February 1, 2005 Board of Aldermen meeting, the Mayor and Board of Aldermen requested a discussion of legislative issues to prepare for the current North Carolina General Assembly session. The Board was requested to 1) discuss potential legislative issues that may be included in the town's legislative agenda packet for the 2005 North Carolina General Assembly Session; 2) develop a list of legislation items for discussion with the local delegation; and 3) determine when it would like to meet with the local delegation.

Mayor Nelson suggested that the Board ask that the motor vehicle license tax be increased to \$30 and that he be authorized to discuss with Mayor Foy the possibility of Chapel Hill joining Carrboro on this request. He stated that increased funds would be used for transportation purposes. In addition, he requested that the Board consider adopting a resolution opposing the proposed Constitutional amendment that would ban same sex marriages.

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

## A RESOLUTION IDENTIFYING LEGISLATIVE ITEMS FOR CONSIDERATION IN THE 2005 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY Resolution No. 97/2004-05

WHEREAS, in previous years the Board of Aldermen has developed a package of legislative issues for the local delegation to pursue during the North Carolina General Assembly sessions; and

WHEREAS, the Board would like to meet with the local delegation to discuss legislative issues.

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

Section 1. The following topics will be discussed with the local delegation:

- 1. Inclusionary zoning;
- 2. Join with the Town of Chapel Hill in requesting an increase in the motor vehicle tax to \$30.00;
- 3. One-half cent sales tax to fund regional transportation;
- 4. Opposition to the Constitutional amendment that would ban same sex marriages;
- 5. Opposition to the bill restricting driver's licenses for immigrants;
- 6. Opposition to predatory lending;
- 7. Support for low and moderate health care;
- 8. Update on mental health issues and substance abuse;
- 9. Update on tourism incentive and investment act;
- 10. Support the County's request that the State fund Medicaid; and
- 11. Support for expanding immigrant participation

Section 2. The town staff is directed to set up a breakfast meeting with the Orange County delegation.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th 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

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# DISCUSSION OF ARCHITECTURAL GUIDELINES

Mayor Nelson requested that the Board discuss the town's architectural guidelines at the March worksession.

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## **REPORT FROM THE PLANNING BOARD**

Alderman Broun gave a report from the Planning Board concerning affordable housing.

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## **REQUEST FOR REPORT ON SPEED REDUCTION ON SMITH LEVEL ROAD**

Alderman McDuffee requested a report from the Police Department on strategies to reduce speeding on Smith Level Road.

Alderman Herrera asked that the town staff check into placing a speed monitor on Smith Level Road in an effort to deter speeding.

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MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

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# APPOINTMENT TO THE ANIMAL CONTROL BOARD OF APPEALS

Alderman Chilton stated that he is an alternate member on the Animal Control Board of Appeals, and the committee is scheduled to meet on February10th. He stated that he had a conflict of interest with the case being heard and requested that the Board consider appointing a second alternate to the committee.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO APPOINT ALEX ZAFFRON AS A SECOND ALTERNATE TO THE ANIMAL CONTROL BOARD OF APPEALS. VOTE: AFFIRMATIVE ALL

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Mayor

Town Clerk