

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 22, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Diana McDuffee
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin Mirman

Absent:

Mayor	Michael Nelson
Alderman	John Herrera

RECOGNITION OF BOY SCOUTS

Mayor Pro Tem Diana McDuffee recognized four scouts from Boy Scout Troop 845 who were working towards getting their merit badges by attending the Board meeting.

A REPORT ON THE PROPOSED BIDDING PROCESS FOR CHAPEL HILL-CARRBORO CITY SCHOOLS' PROPOSED HIGH SCHOOL #3

The Chapel Hill-Carrboro City Schools System (CHCCS) has requested an opportunity to appear before the Board of Aldermen to briefly explain a possible alternative bidding process for the district's third high school. A representative from the school system will appear before the Board to explain the proposal and request feedback. Town Staff requested that the Board receive the report and consider offering feedback to the school system on the possible alternative bidding process.

Lisa Stuckey made a presentation to the Board.

Steve Scroggs made a power point presentation to the Board.

Alderman Jacquelyn Gist stated that there is no guarantee that they will approve and vote in favor of the CUP.

PUBLIC HEARING TO OBTAIN COMMUNITY INPUT ON TOWN NEEDS AND BUDGET FOR UPCOMING FY05-06

Annually, the Board of Aldermen adopts a budget, effective July 1- June 30 for the Town. The Board, as part of its budget review, schedules a public hearing to receive comments from residents in the community regarding town services. These comments shall be considered in developing the FY2005-06 operating and capital budgets during the budget process.

Robert Dowling, with Orange Community Housing and Land Trust, addressed the Board. He requested an allocation to their budget. He asked that people to shop at Whole Foods tomorrow because 5% of their profits will be donated to the Orange Community Housing & Land Trust.

Mayor Pro Tem Diana McDuffee said the request would be referred to staff for consideration

Nerys Levy addressed the Board. She requested \$500 towards the 2006 Community Dinner and thanked the Town for their continued support of this venue. She invited the community to view a photography exhibit, spanning four years of Community Dinners, at the Carrboro Library.

Mayor Pro Tem Diana McDuffee said that the photos are also for sale and we should consider buying some of them for various buildings.

Ellen Perry addressed the Board. She asked them to hurry with help with sidewalks and crosswalks. She also requested the need for helmets for the children in town.

Alderman Alex Zaffron requested that Dale McKeel look into the NC Safe Kids helmet distribution program to see if they are still in operation.

Mayor Pro Tem Diana McDuffee said that she would refer this to staff and see what they can come up with in their budget

Alderman Jacquelyn Gist said that a citizen who could not be present had called her suggested implementing a bicycle fee with a suggested registration fee of \$15.00. This could potentially raise more funds for our walkable/bicycle community when we discuss the budget. She asked for a staff reaction.

Mr. Stewart stated that we do not have statutory authority and that we do not list bicycles, like cars, as personal property with Orange County.

**PUBLIC HEARING TO CONSIDER ADDITIONAL LAND USE ORDINANCE TEXT
AMENDMENTS RELATED TO GROUP HOMES**

The Board of Aldermen must receive public comment on the proposed amendments to the group home provisions in the Land Use Ordinance. The staff recommended adoption of the draft ordinance.

Trish McGuire made the staff presentation.

Alderman Chilton stated that the chief difference is that Class B has to go for special use permit. Will staff be in charge of determining compliance?

Trish McGuire said that there are no standards to differentiate between the two classes.

Judith Romanowski, a housing coordinator for the OPC Area Program, addressed the Board. She stated her concern about the ordinance defining Class B group homes and the way it is currently written. She asked for the town to convene a special task force to consider the matter more fully.

Mayor Pro Tem McDuffee asked her to give a copy of her comments to the clerk.

Shira, a member of Club Nova, stated that she is worried about a stigma against people with mental illness. She encouraged the Board to write in a way that is less stigmatizing.

Elizabeth Malfers, a staff person at club nova, addressed the Board. She agreed with what Judith and Shira said. They are concerned about how they are separated and urge the Board to reconsider.

John Santuci addressed the Board. He stated that his underlying concern is what communities would want a group home in their neighborhood when the definition is so alarming. Most mentally ill people are not a danger

to others. From a providers point of view, it will make it more difficult to get group homes in the community. He asked if the Board could tone down the definition. He stated that the previous one was quite neutral and asked if they could be more sensitive about the language.

David Chapman, the President and CEO of Caramore, addressed the Board. He stated that Caramore does not and cannot provide services to those who are a danger to themselves or others. He stated that there is no home in Carrboro or anywhere else in North Carolina that meets the Group B definition. He said the wording “dangerous to others” is unnecessary, unfair, misleading and shamefully cruel and requested the dropping of group “B” and to use only class “A” language.

Ellen Perry stated that nothing came of this argument last year. She said that she is proud of having lived in a group home and that the residents want dignity. They do not want people out there who are going to hurt themselves. They want people who are going to live a self-determinant life

Mike Brough stated that his effort was to make certain that the ordinance complied with federal and state law. Changes were needed because the town’s ordinance was not in compliance with those regulations. This ordinance would not restrict any home currently in existence or one that would come in. If those definitions were eliminated and all group A, it would be permissible with no review by neighbors or anyone else. The terms are state defined statutory terms, not something that the Board came up with and that is why they use them.

Alderman Gist said that she has a family member with mental illness and that sometimes there are times in people’s lives where they are, for a short period of time, a danger to others and it is written in their medical records. It was 15 years ago and it does not mean that she is a danger now. She voiced concern about keeping records private. She wants to follow through with OPC and get together with people from provider organizations to re-write this. She said that she knows Mike Brough and the Board did not wish to further stigmatize the mentally ill.

Mayor Pro Tem McDuffee said she remembers when this first came up. The Board felt that certain types of group homes need more regulation than just a zoning permit. There are certain ones that are dangerous to their neighbors and would need a review. Don’t we all think that some homes need a review or are we saying forget it and let them come in with a zoning permit?

Alderman Chilton said that when you deal with an institution that might be Class B, you would go through a special use process with the Board of Adjustment. It does not change anything except the length of time the review takes. It is better to say there is a security plan - a different level of screening - the class A and B level is only concerned with who reviews it. He suggested that dropping “mentally ill and dangerous to others” could resolve the problem.

Alderman Broun said that she has issues with number 4.

Alderman Zaffron stated that those are separate issues and 2 different subcategories - people with mental illness and people under custody in the criminal justice system.

Alderman Gist wants to pull together a group to get some advice on this.

Mayor Pro Tem McDuffee said she is not clear on what that would be. What about Mark’s suggestion?

Alderman Jacquelyn Gist wants to take the comments from the providers and think through a way to make this say what it is we want it to say. She asked if people want to send us some suggestions. She doesn’t want it to say that people with mental illness are dangerous.

Mayor Pro Tem McDuffee said that they will think about it for another week or 2 and recommended that they have comments about suggested word changes go to staff to mull over.

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

COMPREHENSIVE LAND USE ORDINANCE REVIEW

The Board of Aldermen included among its work projects for the current fiscal year a comprehensive review of the Land Use Ordinance. The review is underway and a series of modifications are under consideration. A report on these activities and a schedule for completing the review was provided.

Trish McGuire addressed the Board.

Alderman Zaffron said the details in the design guidelines in downtown were not specified in the presentation and they need to be looked into further.

Mayor Pro Tem McDuffee asked whether they are appropriate for downtown as well as for mixed use and other type of development. She stated that the issue of tree preservation in new subdivisions needs to be addressed. Regarding mixed-use developments, how can they be made more amenable to using public transit? In April we should take stock of how soon we think this process will be finished.

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

A RESOLUTION ACCEPTING THE REPORT ON THE COMPREHENSIVE REVIEW
OF THE LAND USE ORDINANCE
Resolution No. 99/2004-05

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accepts this report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of February, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Diana McDuffee, Jacquelyn Gist, Alex Zaffron

Noes: None

Absent or Excused: John Herrera, Michael Nelson

APPOINTMENTS TO ADVISORY BOARDS

The Mayor and Board of Aldermen considered making appointments to the town's advisory boards.

Mayor Pro Tem McDuffee stated that when we continue to reappoint people who serve more than 2 terms, we need an explanation from the chairs of why we are not appointing new people.

Alderman Broun stated that there are some people on the Planning Board who have been intimately involved with changes that have been going on and want to remain to complete what they have begun without having to bring anyone up to speed.

Alderman Gist said that she would like to see different points of view represented. She would like to see people who disagree with chairs and get a full input from the community. She has seen people's names on the Planning Board for quite some time. She knows people who rub people the wrong way and wants to bring them in. She would like to see the Board address that.

Mayor Pro Tem McDuffee suggested that board members who are liaisons work with the chairs and come back with recommendations next week that come from board members and the chairs. She said that she approves of all except Planning Board and the Recreation and Parks Commission.

Alderman Chilton volunteered to substitute for John Herrera on the Recreation and Parks Commission since he is out of town.

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

**A RESOLUTION MAKING APPOINTMENTS TO
CARRBORO ADVISORY BOARDS
Resolution No. 103/2004-05**

WHEREAS, there are terms on advisory boards that expire in February of each year; and

WHEREAS, those individuals whose terms expire in 2005 were sent notices thanking them for their service and asking them to complete an application form if they were interested in being re-appointed; and

WHEREAS, these seats were also advertised and applications were received; and

WHEREAS, all applications were forwarded to the chairs of the various advisory boards for review and recommendations.

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

Section 1. The following appointments are made to the town's advisory boards:

<u>BOARD</u>	TYPE OF TERM	RECOMMENDED APPOINTEES
Appearance Commission/ NPDC	7 seats	Carolyn Helfrich Annie Lux Charles Morton Thomas Wiltberger
Transportation Advisory	3 seats	John O'Leary

Board		Heidi Perry Charlie Hilemann
Cable T.V. Committee	5 seats	Steve Small
Cable T.V. Committee	1 seat (Time Warner Representative)	Andi Curtis
Human Services Commission	3 seats	Beth Burke Natalie Coward Errol McCauley
Downtown Development Commission	4 seats	Shelley Higgins William Powell
Environmental Advisory Board	3 seats	Terri Buckner

Section 2. Those individuals who are currently serving and who were not re-appointed will be recognized for their service at the March 16th Advisory Boards Recognition Dinner.

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 22nd day of February, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Diana McDuffee, Jacquelyn Gist, Alex Zaffron

Noes: None

Absent or Excused: John Herrera, Michael Nelson

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

A RESOLUTION REQUESTING AN APPOINTMENT TO AN ETJ SEAT
ON THE CARRBORO BOARD OF ADJUSTMENT
Resolution No. 102/2004-05

WHEREAS, as a result of expiration of a term, it is necessary to appoint a person to seat reserved on the Carrboro Board of Adjustment for a person residing within the town's Extraterritorial Planning Jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Extraterritorial Planning Jurisdiction members to the town's Board of Adjustment.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an ETJ seat on the Carrboro Board of Adjustment:

Dr. James Dingfelder (term expiration: 2/2008)
215 Wild Turkey Trail
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint a person willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 22nd day of February, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Diana McDuffee, Jacquelyn Gist, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson, John Herrera

REQUEST FOR FEE DISCOUNT FOR CARRBORO PUBLIC FACILTIES

Alderman Joal Broun asked staff to send a letter to OWASA requesting connection fee discounts for future Carrboro public facilities.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:19 P.M. VOTE: AFFIRMATIVE ALL

Mayor Pro Tem

Deputy Town Clerk