

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 15, 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 (arrived at 8:40 p.m.) |
| | Diana McDuffee |
| | Alex Zaffron |
| Town Manager | Steven E. Stewart |
| Town Attorney | Michael B. Brough |
| Town Clerk | Sarah C. Williamson |

REQUEST FOR RENTAL FEE WAIVER

Geetha Vaidyanathan and Revathy Rao, representing the IndiaUtsav Celebration of Indian Culture Event, appeared before the Board with the request that Century Center rental fee be waived for their upcoming event scheduled for April 16th

Mayor Nelson stated that he would support this fee waiver, but would not support any additional rental fee waivers.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN TO PAY THE CENTURY CENTER RENTAL FEE FROM THE TOWN'S CONTINGENCY FUND FOR THIS EVENT. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (HERRERA)

WORLD HARMONY RUN

Charlotte Falk, coordinator for the World Harmony Run, requested a waiver from street closing permit. She stated that the event is scheduled for April 24th.

Mike Brough stated that there is no opportunity for the Board to waive the street closing permit process, but the Board could accelerate the process.

Mayor Nelson requested that Ms. Falk complete the street closing permit application as soon as possible.

RESOLUTION OF APPRECIATION

Mayor Nelson presented a resolution of appreciation to Kay Brown with the Chapel Hill-Carrboro Rotary Club.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE FEBRUARY 22, MARCH 1 AND 8, 2005 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

A REQUEST TO SET A PUBLIC HEARING: STREET CLOSING REQUEST TO ACCOMMODATE THE POWERMAN NORTH CAROLINA ROAD RACE

Set-Up, Inc. has submitted a Permit Application for the temporary use of the several streets from 8:00 am to 12:30 pm on Sunday, May 1, 2005 to accommodate the *Powerman North Carolina Duathlon*. In accordance with Section 7-19 of the Town Code, a public hearing must be held to receive public input prior to issuing a Street Closing Permit. The town staff recommended adoption of a resolution setting a public hearing for March 22, 2005.

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

A RESOLUTION SETTING A PUBLIC HEARING
ON A REQUEST TO CLOSE TOWN STREETS
FOR THE POWERMAN NORTH CAROLINA ROAD RACE
Resolution No. 117/2004-05

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

Section 1. A public hearing is set for March 22, 2005 to receive public comment on a request to close streets within the Town of Carrboro from 8:00 a.m. to 12:30 p.m. on May 1, 2005 to accommodate the *Powerman North Carolina* road race.

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 15th day of March, 2005:

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

Noes: None

Absent or Excused: John Herrera

A REQUEST TO APPROVE THE 2005 TIME WARNER CABLE RATE ORDER

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, associated equipment, and installation. The purpose of this item was to request that the Board approve the rate order.

Bob Sepe made a presentation.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO REQUEST AN ACCOUNTING FROM TIME WARNER REGARDING THE COLLECTION OF FUNDS TO UPGRADE THE CABLE SYSTEM AND HOW THOSE FUNDS HAVE BEEN SPENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

Mayor Nelson requested a report on how local governments can bring in competition for cable service.

It was the consensus of the Board to request that a letter be sent to Congressman Price asking that the FCC give local governments the authority to regulate basic tier rates, and expressing concern that the recent FCC action will cause prices to skyrocket.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO REQUEST THAT THE FCC REVOKE THE \$0.75 REGULATION FEE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA).

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPROVE THE RATE ORDER. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO PETITION THE FCC TO RESTORE LOCAL GOVERNMENT RATE REGULATORY AUTHORITY. AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

PRESENTATION OF THE DOWNTOWN TRANSPORTATION STUDY

A draft report and consultant recommendations have been prepared for the Downtown Carrboro Transportation Study. Roger Henderson of Kimley-Horn and Associates made a presentation.

Alderman Zaffron asked that Boyd Street be considered as an alternate outlet with altered rights-of-way.

Mayor Nelson spoke in favor of a cautious approach to using roundabouts, spoke in favor of increased transit routes, decreased headways, and generally expanded service. He stated that he feels the report needs “meatier” recommendations for transit. Further concrete action steps are needed for commuter bike routes (along the railroad tracks north to Estes, to the greenway system, connecting the Horace Williams tract and parts north with downtown Carrboro.) He also requested that the width and scope of sidewalks be addressed.

Alderman McDuffee asked about the placement of bikelanes with on-street parking. She also asked about the change for delivery trucks on Greensboro Street. She also asked about the reconfiguration of Rosemary Street. She stated that she would be in favor of a slow approach to the use of roundabouts.

[Alderman Herrera arrived at the meeting.]

Mayor Nelson expressed concern about there not being another north/south connection in the report.

Alderman Chilton expressed concern about the interest in redeveloping property in the East Main Street area and how the “red line” on Brewer Lane. He suggested that the traffic might be directed to Cameron Avenue.

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

A RESOLUTION RECEIVING THE REPORT ON THE
DOWNTOWN CARRBORO TRANSPORTATION STUDY
Resolution No. 116/2004-05

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to develop and implement initiatives which enhance the viability of downtown.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen has received the report on the downtown transportation study.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of March, 2005:

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

Noes: None

Absent or Excused: None

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. The Board of Aldermen has discussed this alternative at meetings on January 18, February 8, and March 1. Town staff has identified four options for consideration by the Board. A resolution was provided for the Board's consideration.

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

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

A RESOLUTION ON THE PROPOSED MODIFICATIONS
TO SMITH LEVEL ROAD
Resolution No. 114/2004-05

WHEREAS, the N.C. Department of Transportation (NCDOT) has proposed to widen a portion of Smith Level Road, TIP Project U-2803; and

WHEREAS, on March 18, 2003, the Board of Aldermen adopted a resolution requesting that the N.C. Department of Transportation consider an alternative design for the proposed modifications to Smith Level Road between Morgan Creek and Rock Haven Road.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board accepts the report and selects Option 4 as identified in the staff report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of March, 2005:

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

Noes: None

Absent or Excused: None

STATUS REPORT ON THE SIDEWALK BOND PROGRAM, PHASE I

The purpose of this item was to update the Board of Aldermen on the status of the sidewalk bond program, Phase I. It was recommended the Board adopt a resolution accepting the report.

George Seiz, the town's Public Works Director, made the presentation.

It was the consensus of the Board to request that the town staff move ahead with the Estes Drive sidewalk.

Leslie Elliott, a resident of Ashe Street, asked that construction of the Ashe Street sidewalk be delayed until the Elm Street sidewalk is constructed.

Mr. Stewart reminded the Board that there is a Sidewalk Review Process.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman John Herrera.

A RESOLUTION ACCEPTING THE REPORT ON THE
STATUS OF THE SIDEWALK BOND PROGRAM, PHASE I
Resolution No. 115/2004-05

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 the status report on the Sidewalk Bond Program, Phase I.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of March, 2005:

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

Noes: None

Absent or Excused: None

MINOR MODIFICATION TO WEXFORD AND TRAMORE WEST SUBDIVISIONS

The Wexford Homeowner's Association and the developers of Tramore West requested permit modifications so as to incorporate the Tramore West Subdivision into Wexford and thereby assume responsibility for the Tramore West permit conditions. The staff requested that the Board of Aldermen review, deliberate and make a decision on the proposed minor modification application.

Jeff Kleaveland, one of the town's Development Review Administrators, made the presentation.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE
WEXFORD AND TRAMORE WEST PERMITS
Resolution No. 111/2004-05

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Wexford subdivision on July 16, 1991 and;

WHEREAS, the Carrboro Board of Adjustment approved a Special Use Permit for the Tramore West subdivision on November 20, 2002 and;

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes 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 contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the request made by the Wexford Homeowner's Association and the developers of the Tramore West subdivision thereby entering upon the face of the Wexford Conditional Use Permit the following conditions:

- 1) That The Wexford Homeowner's association, with the consent of Pika Developers, Inc. and Rexco, LLC, hereby incorporate the lots, common facilities, duties and responsibilities of the six-lot Tramore West subdivision into the Wexford subdivision thereby conferring onto these lots and common facilities all rights, privileges and responsibilities of membership in the Wexford Homeowner's Association and subdivision.
- 2) That Tramore West's recreation points requirement of 62.34 points (6 of which are to be for children under the age of 12) be provided for, and deducted from, Wexford's recreation points surplus thereby eliminating the \$9847.23 fee-in-lieu of recreation points requirement of Condition # 5 of the Tramore West SUP.
- 3) That the sidewalk along the southern side of the new roadway of the Tramore West subdivision extend off the Tramore West project site, west, so as to terminate at Stratford Drive. This sidewalk extension to be built by the developers of the Tramore West subdivision.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of March, 2005:

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

Noes: None

Absent or Excused: None

APPOINTMENTS TO THE PLANNING BOARD

The Mayor and Board of Aldermen considered making appointments to the Planning Board.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Diana McDuffee.

**A RESOLUTION MAKING APPOINTMENTS TO THE PLANNING BOARD
Resolution No. 107/2004-05**

WHEREAS, there were terms on the Planning Board that expired in February of 2005; and

WHEREAS, those individuals whose terms expired in February 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 Chair of the Planning Board for review and recommendation.

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

Section 1. The following appointments are made to the Planning Board:

| TYPE OF TERM | RECOMMENDED APPOINTEES |
|---------------------|--------------------------------------------------------|
| In-Town (3 seats) | 1. Seth Chadbourne 2. Debra Fritz 3. Dianne Reid |

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 15th day of March, 2005:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Jacquelyn Gist and dully seconded by Alderman Diana McDuffee.

**A RESOLUTION REQUESTING AN APPOINTMENT TO A
TRANSITION AREA SEAT ON THE CARRBORO PLANNING BOARD
Resolution No. 101/2004-05**

WHEREAS, as a result of an expiring term, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's Transition Area; and

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

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 a Transition Area seat on the Carrboro Planning Board, whose term would expire in February 2008:

Ms. Susan Poulton
8720 Union Grove Church Road
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons 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 15th day of March, 2005:

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

Noes: None

Absent or Excused: None

A REQUEST RELATED TO THE CARRBORO V. LAURENCE HAYES LAWSUIT

On March 9, 2005, Town Staff received a letter from Attorney John D. Loftin, representing Mr. Laurence Hayes, regarding the matter of the *Town of Carrboro v. Laurence Hayes*. The Board was asked to review the letter.

Mike Brough stated that the town has a default judgment in the amount of \$11,450 against Mr. Hayes and Searchlight for civil penalties. The objective was to make Mr. Hayes bring the sign on the Lloyd Grist Mill into compliance, apply for a modification to the special use permit issued for the sign, or to remove the sign from the building.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK CHILTON THAT IF MR HAYES BRINGS THE SIGN INTO COMPLIANCE BEFORE APRIL 6, 2005, THE TOWN ATTORNEY IS DIRECTED TO SEEK DELAY OF THE SALE FOR UP TO 90 DAYS FROM MARCH 15, 2005. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, HERRERA, BROUN)

REPLACEMENT OF BOARD CHAIRS

Mayor Nelson asked that the town staff replace the Board's chairs in the boardroom.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 10:20 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk