A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 17, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Michael Nelson Aldermen Joal Hall Broun Mark Chilton

Alex Zaffron

Town Manager Steven E. Stewart
Town Attorney Michael B. Brough
Deputy Town Clerk Sharmin E. Mirman

Absent:

Aldermen Jacquelyn Gist

John Herrera Diana McDuffee

#### **REQUESTS FROM CITIZEN**

Ellen Perry addressed the Board. She stated that Federal Section 8 housing is going away and asked the Board to send a letter asking that these funds not be cut.

Mayor Nelson asked the town staff to draft a letter to Senators Dole and Burr with a copy to Congressman Price.

Ms. Perry said that Medicaid is being cut statewide and said that more money is needed--not less.

Mayor Nelson asked the town staff to contact our members of the House and encourage them to restore Medicaid funds.

Alderman Zaffron requested that a copy of this letter be sent to the governor.

Ms. Perry said that she had an incident with a rude dispatcher re: EZ rider. She said that she would contact the Director of Chapel Hill Transit about that.

\*\*\*\*\*

#### PARKING FOR FRIENDLY BARBER SHOP

Adam Searing, a town resident, addressed the Board. He spoke on behalf of customers of the Friendly Barber Shop located at 108 E. Main Street. He presented a petition signed by 100 people asking that the town-leased parking lot behind the building have six parking spaces designated for the barbershop. He said they appreciate the improved parking lot, but the issue is that a lot of them, as customers, cannot park in the lot because many people are using it, and for businesses that depend on that in-and-out traffic, it is not so good. The other concern is to have more enforcement of the two-hour parking (and half hour parking if that is agreed upon). He said they are willing to work with the transportation department and planners to find a solution.

Mayor Nelson said he has had a similar request from a couple of downtown business owners and he passed it on to the Town Manager a couple of weeks ago. He said the request is timely and requested that the town staff review this matter.

\*\*\*\*\*\*

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO APPROVE THE MAY 3 AND 10, 2005 MINUTES. VOTE: AFFIRMATIVE FOUR, ABSENT THREE (GIST, HERRERA, MCDUFFEE)

\*\*\*\*\*

#### **CHARGES ISSUED**

The Deputy Town Clerk issued charges to Lauren Goers and Gary Bernstein, two recently appointed members of the Environmental Advisory Board.

\*\*\*\*\*

#### **CARRBORO REGOGNITION**

Alderman Zaffron mentioned a new book by John Villani that lists Carrboro as one of the best 100 Art Towns in America. He said that the Mayor deserves a lot of credit for this.

\*\*\*\*\*\*

#### ORANGE COMMUNITY HOUSING AND LAND TRUST

Alderman Zaffron sent "Kudos" to Orange Community Housing and Land Trust for completing their 100th house in four years. Congratulations to Robert Dowling and staff!

\*\*\*\*\*\*

#### A REQUEST TO ADOPT A BUDGET AMENDMENT

The Board was requested to approve a budget amendment to appropriate and transfer funds for various operating town expenses in the General Fund, Capital Reserve Fund and Revolving Loan Fund.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2004-05 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FOUR, ABSENT THREE (GIST, HERRERA, MCDUFFEE)

\*\*\*\*\*

## REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH AFFORDABLE HOUSING REVIEW REQUIREMENT

In February 2005, the Board of Aldermen considered a report on a two-tiered development review system and directed staff to prepare a draft ordinance that would establish a review requirement for residential projects that did not include 15 percent affordable housing. A resolution that sets a public hearing for June 28, 2005 was recommended for the Board's adoption.

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

# A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO THE AFFORDABLE HOUSING REVIEW REQUIREMENT FOR RESIDENTIAL PROJECTS THAT REQUIRE SPECIAL OR CONDITIONAL USE PERMITS BUT DO NOT INCLUDE 15 PERCENT AFFORDABLE UNITS

Resolution No. 148/2004-05

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on June 28, 2005, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Establish an Affordable Housing Review Requirement for Residential Projects Requiring Special or Conditional Use Permits, when such Projects do not include 15 Percent Affordable Units."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17<sup>th</sup> day of May, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera, Diana McDuffee

\*\*\*\*\*\*

## RECOMMENDATION FOR HEALTH INSURANCE COVERAGE FOR FISCAL YEAR JULY 1, 2005 – JUNE 30, 2006

The purpose of this item was to present the staff's recommendation for health insurance coverage for the 2005-2006 fiscal year. The staff recommended that the Mayor and Board of Aldermen offer United Healthcare of North Carolina as the town's health insurance provider for fiscal year 2005-06.

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

#### A RESOLUTION ACCEPTING STAFF'S RECOMMENDATION FOR HEALTH INSURANCE COVERAGE Resolution No. 152/2004-05

BE IT RESOLVED that the Town of Carrboro Board of Aldermen accepts staff's recommendation to:

- Section 1. Enter into an agreement with United Healthcare for health insurance.
- Section 2. Hold in reserve the amount originally budgeted for health insurance this year to offset possible increases in the 06 07 budget year.

Section 3: Explore retiree healthcare options.

Carrboro Board of Aldermen Page 3 May 17, 2005

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17<sup>th</sup> day of May, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera, Diana McDuffee

\*\*\*\*\*\*

#### A RESOLUTION IN SUPPORT OF LIMITED HUNTING ON OWASA PROPERTY

The purpose of this item was to request that the Board of Alderman adopt a resolution in support of the OWASA Board of Directors' decision to continue prohibiting hunting on the Cane Creek Reservoir and to allow limited bow hunting of deer on the 490-acre Mitigation Tract.

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

## A RESOLUTION SUPPORTING THE OWASA BOARD OF DIRECTORS' POSITION ON PROPOSED HUNTING ON OWASA PROPERTY Resolution No. 153/2004-05

WHEREAS, after carefully considering all of OWASA's obligations, responsibilities, and extensive public input including the April 27, 2005 letter from Moses Carey. Jr., Chair, Orange County Board of Commissioners, the OWASA Board of Directors unanimously agreed at its April 28, 2005 meeting to continue prohibiting hunting on the Cane Creek Reservoir; and

WHEREAS, the OWASA Board further agreed to allow limited hunting on the 490-acre Mitigation Tract for bow hunting of deer, by daily permit only, and with the expected cooperation of the Wildlife Resource Commission (WRC) for inclusion in their Gamelands Program; and

WHEREAS, the OWASA Board supported this limited hunting program with the expectation that it would satisfy any real or perceived 404 Permit obligations that OWASA may have with respect to hunting; and

WHEREAS, the OWASA Executive Director, Ed Kerwin has informed Commissioner Carey and Mayors Foy and Nelson that the WRC does not accept OWASA's proposal and has communicated this position to the U.S. Army Corps of Engineers.

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

Section 1. The Board hereby adopts this resolution in support of the OWASA Board of Directors' position on the proposed hunting on OWASA property.

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 17<sup>th</sup> day of May, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera, Diana McDuffee

\*\*\*\*\*\*

#### **REPORT ON 2004 TREE CITY USA AWARD**

George Seiz, the Town's Public Works director, addressed the Board. He introduced the winners of the poster contest: Sophia Sentesh - 3<sup>rd</sup> place, Morgan Fontaine - 1st place. Robin Tanns, the 2<sup>nd</sup> place winner was not present.

Mayor Nelson said the posters were great and that he was sorry that he missed Arbor Day this year and that he will miss it when he is no longer Mayor. He said the Carrboro Elementary kids are great and it is always a great time. He remembered that, six or seven years ago, some 5<sup>th</sup> graders studied the town's Tree Ordinance and gave the Board suggestions to improve it and some of these suggestions were incorporated to the new Tree Ordinances.

\*\*\*\*\*\*

## <u>COURTESY REVIEW PRESENTATION FOR THE PROPOSED PARKING REVISIONS FOR PACIFICA</u>

The purpose of this item was to honor a request by the Pacifica Owners Group to informally present an idea to the Board of Aldermen for adding 10 to 12 parking spaces to their originally approved development plan.

Mayor Nelson said they just began to do these courtesy review procedures, and that typically a courtesy review is part of a larger project and rarely are they things as small as this request. He stated that he and the Town Manager have some concerns that were discussed with the Town Attorney to refine the process. Initially, they defined it in such a broad way, that anything could come before the Board and that concerns him because this request is so narrow and specific that it is almost impossible for the Board to say anything about it. He cannot give general feedback. It is not a broad issue – i.e.: we like diverse housing styles and we do not see that. He does not know how he can say anything that can help them. Staff is going back to look at guidelines to make sure they do it the right way in the future.

Scott Morningstar addressed the Board. Pacifica wants extra spaces for visitor parking. They will have a Common House and right now they use Arcadia's Common House – their plan does not have anything like that. They need places for when people come to visit.

Mayor Nelson said that when the project first came before them, there was lots of discussion and decisions were made about parking by lots of people's feedback at public hearing.

Scott Morningstar wants to know who to talk to next

Mayor Nelson said it is a minor modification – possibly major – for a CUP, and there is a process for that.

Marty Roupe, the Town's Development Review Administrator, addressed the Board. He said that, tentatively, it would be a minor modification and that his staff had spoken with Mr. Morningstar about this request and that his staff had mentioned that parking was a big issue during the public hearing.

Alderman Chilton said he assumes it will need some new impervious surface on the side and it must involve some additional engineering work to look at adjustments to the stormwater management plan for Pacifica. He said it is near the property lines of folks who were not that supportive of Pacifica, and to begin the process of talking to those people about whether or not you could do it. It is important to have a dialogue with them and get their input.

Mr. Morningstar said that would be the neighborly thing to do. He will talk to the neighbors and to town staff.

Alderman Zaffron says it is neighborly and smart to talk with the neighbors. They need to review the record, but it he recalls that the configuration that exists is a result of the public hearing and that it is a sensitive issue and it is important to work with neighbors.

\*\*\*\*\*\*

#### **COURTESY REVIEW OF HERTZ RENTAL PROJECT**

The purpose of this item was to honor a request by Mark Turner to share information and get non-binding feedback from the Board of Aldermen on a proposal to allow Hertz Rental to open a rental business at 203 S. Greensboro Street. "The applicant's goal is to provide supplies and equipment to homeowners and contractors that have projects in the area and to have a positive impact on Carrboro".

Mark Turner, of Hertz Rental, addressed the Board. He thanked staff – James Harris, Mike Canova, and Marty Roupe. He said they were helpful, professional and straightforward. He said that a snapshot of Hertz Rentals in Chapel Hill and Carrboro – a billing of \$150,00 a month revenue is going to Durham and Raleigh. He is a resident of Orange County and wants to keep that money in Orange County. They are a very progressive company – diversity programs for their employees and strict safety standards they adhere to and corporate people to make sure they adhere to them. They are good neighbors with 265 locations and well thought of in these communities. They would appreciate the opportunity to do business in Carrboro.

Alderman Zaffron encouraged him to talk to neighbors – that piece of property has been very sensitive. He encouraged him to pay attention to the traffic flow. It will be good to see that building finally used. A responsible user would be good who will clean that lot up and make it more attractive.

Mr. Turner said he has talked to neighbors. He spoke to every house in sight of the property and that most encouraged him to please move in and clean the place up. There were a few he did not get to talk to – he made three attempts at every house. One neighbor said that he was in favor of it, but his wife would not be. They want to lease this property for 30 months and they are looking to buy property on Jones Ferry Road where they could become a permanent member of the community.

Mayor Nelson said he never saw a lease that would close off options after a certain time period. Is it going to say that in the lease?

Mr. Turner said that the owners of the property are interested in tearing down the existing building on this property after the downtown rezoning is completed and building a five-story building. That is the reason for the 30-month lease. He said that they are already working with commercial real estate agents to secure property in town so they can continue doing business in Carrboro.

Mayor Nelson said they would have to allow what is a nonconforming use. Would there be a way to make that exception?

Mike Brough said that a conditional use permit could be issued for a definitive period if the applicant does not object.

Alderman Chilton said that it is a business that used to be in downtown Carrboro. At the current time, people have to go to Durham County for this service. We need this type of business - he sees it in a positive light. This will provide employment opportunities for high school age people.

\*\*\*\*\*\*

### REQUEST TO SET A PUBLIC HEARING ON DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT

In February 2005, the Board of Aldermen reviewed a proposal to establish a new downtown overlay district. It is necessary for the Board of Aldermen to receive public comment on the new district provisions and boundaries prior to taking action. A resolution setting a public hearing for June 28, 2005 was recommended for the Board's adoption.

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

#### A RESOLUTION CALLING A PUBLIC HEARING ON THE ESTABLISHMENT AND PLACEMENT OF A DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT Resolution No. 151/2004-05

WHEREAS, the Carrboro Board of Aldermen must receive public comment on requests for rezonings; and

WHEREAS, the B-1(f) Review Subcommittee has developed a proposal for a Downtown Neighborhood Protection overlay zoning district as described in the attached draft ordinance entitled "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO CREATE A DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT" and illustrated on the map attached thereto.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on June 28, 2005 to receive public comment on the establishment and placement of the Downtown Neighborhood Protection Overlay District

BE IT FURTHER RESOLVED that the draft ordinance be referred to the Planning Board and Orange County for recommendations and that the rezoning proposal also be referred to the Planning Board.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17<sup>th</sup> day of May, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera, Diana McDuffee

\*\*\*\*\*

#### **OWASA POSITIONS**

Mayor Nelson said that we need to appoint two OWASA representatives and asked the Board to set up a subcommittee of the Board to review the application.

Aldermen Joal Broun and Alex Zaffron volunteered to serve.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL BROUN TO APPOINT JOAL BROUN AND ALEX ZAFFRON TO BE THE SUBCOMMITTEE REPRESENTATIVES TO REVIEW THE APPLICATIONS FOR THE OWASA POSITIONS. AFFIRMATIVE FOUR, ABSENT THREE (GIST, HERRERA, MCDUFFEE).

\*\*\*\*\*

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADJOURN THE MEETING AT 8:08 P.M. VOTE: AFFIRMATIVE FOUR, ABSENT THREE (GIST, HERRERA, MCDUFFEE)

\*\*\*\*\*\*

Mayor

Deputy Town Clerk