

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 28, 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

FOURTH OF JULY CELEBRATION

Mayor Pro Tem McDuffee announced that the town would be sponsoring its annual Fourth of July Celebration on Monday, July 4th.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE JUNE 7, 14, AND 21, 2005 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

A REQUEST TO AMEND THE TOWN CODE TO CHANGE THE PRIVILEGE LICENSE PENALTY

In an effort to improve efficiency, a group of town employees has been reviewing opportunities to streamline the privilege license process. The purpose of this item was to request that the Board of Aldermen amend the Town Code and the Miscellaneous Fees and Charges Schedule approved by the Board on June 7, 2005.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 8 OF THE CARRBORO TOWN CODE RELATED TO ENFORCEMENT O CHAPTER 8." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, NELSON)

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

A RESOLUTION AMENDING THE
MISCELLANEOUS FEES AND CHARGES SCHEDULE
Resolution No. 186/2004-05

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

Section 1. The Miscellaneous Fees and Charges Schedule is hereby amended to reflect the following changes listed under Gross Receipts:

- Delete “Each license tax will be increased 15 percent for each month or fraction thereof during which such license tax remains unpaid after it becomes due and payable”
- Add “Any person who conducts business without payment of taxes when due shall be liable to pay a penalty, in addition to the tax, equal to the greater of 10 percent of the tax due or Five Dollars (\$5.00).”

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 28th day of June, 2005:

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

Noes: None

Absent or Excused: John Herrera, Michael Nelson

APPOINTMENTS TO THE ECONOMIC SUSTAINABILITY COMMISSION

The Mayor and Board of Aldermen were requested to consider appointing Stan Babiss and Bill Soeters to the Economic Sustainability Commission. A resolution was provided for the Board’s consideration.

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

A RESOLUTION MAKING APPOINTMENTS TO THE
ECONOMIC SUSTAINABILITY COMMISSION
Resolution No. 187/2004-05

WHEREAS, there are currently three vacant seats on the Economic Sustainability Commission; and

WHEREAS, Stan Babiss and Bill Soeters have submitted applications; and

WHEREAS, the Chair of the Economic Sustainability Commission is recommending that Mr. Babiss and Mr. Soeters be appointed.

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

Section 1. The following appointments are made to the Economic Sustainability Commission:

Appointee	Type of Position	Expiration of Term
Stan Babiss	At-Large	February 2008
Bill Soeters	Business Owner	February 2006

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 28th day of June, 2005:

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

Noes: None

Absent or Excused: John Herrera, Michael Nelson

REQUEST FROM THE INTERGOVERNMENTAL PARKS WORK GROUP TO WORK ON A COUNTYWIDE PARKS AND GREENWAYS COORDINATION DOCUMENT

The Intergovernmental Parks Work Group requested support in producing a countywide parks and greenway document. A resolution approving this request was provided for the Board's consideration.

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

**A RESOLUTION ASKING THE INTERGOVERNMENTAL PARKS WORK GROUP
TO WORK ON A COUNTYWIDE PARKS AND GREENWAYS
COORDINATION DOCUMENT
Resolution No. 192/2004-05**

WHEREAS, the Intergovernmental Parks Work Group was reconstituted by the jurisdictions within Orange County in 2004, with a charge to further continue the collaboration and coordination of parks planning within Orange County; and

WHEREAS, the Intergovernmental Parks Work Group has identified a need for a concise document, with maps that illustrate each jurisdiction's parks and greenways plans; and

WHEREAS, such a document and maps would enable the public, elected officials and parks planners to see, at a glance, how the different plans fit together and where gaps may exist; and

WHEREAS, the creation of this document would not serve to supersede any existing plans but rather serve to pull these plans together as a tool for further evaluation and planning.

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

Section 1. The Intergovernmental Parks Work Group is authorized to undertake preparation of the Countywide Parks and Greenways Coordination Document, as outlined in further detail in Attachment 1.

Section 2. That the town staff is hereby authorized to participate in this effort.

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 28th day of June, 2005:

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

Noes: None

Absent or Excused: John Herrera, Michael Nelson

**A REQUEST TO APPROVE THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES
MEMBERSHIP AGREEMENTS AND RESOLUTIONS FOR PARTICIPATION IN THE WORKERS'
COMPENSATION AND PROPERTY AND LIABILITY PROGRAMS**

The Board was requested to adopt two resolutions approving and accepting the new interlocal agreements crafted by the North Carolina League of Municipalities for local governments participating in the League's workers' compensation insurance program and its property and liability insurance program.

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

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT WITH THE NCLM FOR A GROUP SELF-INSURANCE POOL FOR WORKERS'
COMPENSATION RISK SHARING
Resolution No. 190/2004-05**

WHEREAS, certain municipalities and other units of local government of the State of North Carolina as defined in G.S. 160A-460(2), have agreed to create the NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY and have agreed to pool the risks of their workers' compensation liabilities and payment of claims for employers' liability coverage pursuant to, and be governed by, the provisions of North Carolina General Statutes 160a-460 *et seq* (Part 1 of Article 20 of Chapter 160A);

NOW, THEREFORE, BE IT RESOLVED that the above named unit of local government elects to become a member of the NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool for Workers' Compensation Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Agency and to abide by the terms and conditions of the Interlocal Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the duly authorized officials of the Town of Carrboro are directed to execute in the name of the said unit the "Interlocal Agreement for a Group Self-Insurance Pool for Workers' Compensation Risk Sharing," a copy of which is attached to and made a part of this Resolution.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of June, 2005:

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

Noes: None

Absent or Excused: None

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

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH THE NCLM FOR A GROUP SELF-INSURANCE POOL FOR
PROPERTY AND LIABILITY RISK SHARING**

WHEREAS, certain municipalities and other units of local government of the State of North Carolina as defined in G.S. 160A-460(2), have agreed to create the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA and have agreed to pool the risks of their exposure to property losses and potential liabilities in the manner herein provided pursuant to, and be governed by, the provisions of North Carolina General Statutes 160a-460 *et seq* (Part 1 of Article 20 of Chapter 160A);

NOW, THEREFORE, BE IT RESOLVED that the above named unit of local government elects to become a member of the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool for Property and Liability Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Agency and to abide by the terms and conditions of the Interlocal Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the duly authorized officials of the Town of Carrboro are directed to execute in the name of the said unit the "Interlocal Agreement for a Group Self-Insurance Pool for Property and Liability Risk Sharing," a copy of which is attached to and made a part of this Resolution.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of June, 2005:

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

Noes: None

Absent or Excused: John Herrera, Michael Nelson

A REQUEST TO ESTABLISH A MONUMENT IN HONOR OF CATHERINE PEELE

The Board of Aldermen is requested to adopt a resolution establishing a monument in honor of Catherine Peele.

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

A RESOLUTION APPROVING A MONUMENT IN HONOR OF CATHERINE PEELE
Resolution No. 169/2004-05

Whereas, the Board of Aldermen has received a request to honor Catherine Peele who was a very active and concerned Carrboro citizen; and

Whereas, the Board of Aldermen wishes to establish a monument in her honor.

Now therefore, the Mayor and Board of Aldermen hereby approve the planting of a tree and the placement of a plaque on Town Hall grounds to commemorate her service to the Town.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of June, 2005:

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

Noes: None

Absent or Excused: None

PROCLAMATION - DR. CHARLES WARD DAY

Mayor Pro Tem McDuffee presented a proclamation to Dr. Charles Ward in honor of his 30 years of service as a Carrboro business owner.

RESOLUTION REGARDING POTENTIAL DEVELOPMENT DIRECTLY ABUTTING THE SOUTHERN JOINTPLANNER AREA AND POTENTIAL IMPACTS ON THE SMITH LEVEL ROAD CORRIDOR, ORANGE COUNTY, AND THE TOWN OF CARRBORO AND CHAPEL HILL

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

A RESOLUTION REGARDING POTENTIAL DEVELOPMENT DIRECTLY ABUTTING THE SOUTHERN JOINT PLANNING AREA AND POTENTIAL IMPACTS ON THE SMITH LEVEL CORRIDOR, ORANGE COUNTY, AND THE TOWNS OF CARRBORO AND CHAPEL HILL
Resolution No. 194/2004-05

WHEREAS, it is expected that an application for a high-volume retail center will be submitted to Chatham County involving up to 62.9 acres fronting U.S 15-501 immediately south of the Orange County line, and therefore the Joint Planning Area; and

WHEREAS, the reported location is in the immediate vicinity of the intersection of U.S. 15-501 and Smith Level Road, the primary corridor from Carrboro to Chatham County; and

WHEREAS, the Towns of Carrboro and Chapel Hill and Orange County, as signatories to the Joint Planning Agreement, have worked diligently to preserve the rural character of that corridor, as well as the University Lake and Jordan Lake watersheds; and

WHEREAS, the Durham Chapel Hill-Carrboro Metropolitan Planning Organization, representing Orange, Durham, and Northern Chatham Counties, has endorsed this policy, in Transportation Improvement Program requests and the 2030 Long-Range Transportation Plan; and

WHEREAS, such a use in this location could have profound and far-reaching impacts for the entire corridor and the region.

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

Section 1. The Board of Aldermen requests that the Town Manager and staff work with Orange County, Chapel Hill, Chatham County, and the DCHC MPO (as lead planning agency) to:

- Request that NCDOT and any other state agencies hold in abeyance the granting of any access permits, dedications of right-of-way, easements or other access instruments until a transportation impact analysis for the 15-501 corridor as well as the Smith Level Road corridor is completed.
- Request a review by the Chatham County Manager of the land use policies and related transportation aspects by appropriate staff as related to the proposal.
- Request a thorough analysis by the Durham-Chapel Hill-Carrboro MPO as to whether the proposal and its traffic generation rates are consistent with the projections of the 2030 Long-Range Transportation Plan, and thereby the plan itself
- Request an analysis of the site's relationship to the University Lake Watershed and any concomitant restrictions appropriate for such a use.
- Investigate any role that DENHR and other state agencies would have in evaluating the environmental impacts of such a proposal, and work to ensure that such regulatory oversight is diligently carried out

Section 2. That the Mayor apprise our legislative delegation of the concerns expressed herein, and request that in partnership with all of the interested parties, the delegation work with the Secretary of Transportation, the appropriate NCDOT board members and other state officials to address these concerns and issues.

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 28th day of June, 2005:

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

Noes: None

Absent or Excused: John Herrera, Michael Nelson

PUBLIC HEARING TO PERMIT THE TEMPORARY STREET CLOSING FOR THE FOUR ON THE FOURTH ROAD RACE

Cardinal Track Club has submitted a Street Closing Permit Application for the temporary closing of the following streets from 7:55 am to 9:00 am on Monday, July 4, 2005 to accommodate the *Four on the Fourth Road Race*:

1. Old Fayetteville Road
2. Carol Street
3. Lorraine Street
4. Hillsborough Road
5. West Main Street
6. James Street

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.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, NELSON)

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF STREETS
TO ACCOMMODATE THE *FOUR ON THE FOURTH ROAD RACE*

Resolution No. 183/2004-05

Section 1. The following streets shall be temporarily closed Monday July 4, 2005 from 7:55 am to 9:00 am to accommodate the *Four on the Fourth Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

Old Fayetteville Road
Carol Street
Lorraine Street
Hillsborough Road
West Main Street
James Street

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. 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 28th day of June, 2005:

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

Noes: None

Absent or Excused: John Herrera, Michael Nelson

PUBLIC HEARING: MODIFICATIONS TO THE RESIDENTIAL TRAFFIC MANAGEMENT PLAN

Town staff has prepared modifications to the Residential Traffic Management Plan incorporating recommendations from the Transportation Advisory Board and the Board of Aldermen. A public hearing has been set so that the Board of Aldermen may receive public comment on the revised plan. Staff recommended adoption of the plan.

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

Alderman Broun asked that the petition forms be placed on the town's website.

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

A RESOLUTION ADOPTING A REVISED
RESIDENTIAL TRAFFIC MANAGEMENT PLAN
Resolution No. 188/2004-05

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

WHEREAS, the Transportation Advisory Board and the Board of Aldermen have recommended changes to the Residential Traffic Management Plan; and

WHEREAS, Town staff have revised the Residential Traffic Management Plan and incorporated changes recommended by the TAB and Board of Aldermen; and

WHEREAS, the Board of Aldermen held a public hearing on the revised Residential Traffic Management Plan.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen adopt the revised Residential Traffic Management Plan, removing the language "based on road frontage", and adding sidewalks to the list of Stage 2 traffic calming methods.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of June, 2005:

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

Noes: None

Absent or Excused: None

PUBLIC HEARING ON THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT

It is necessary for the Board of Aldermen to review and receive public comment on a proposal for a for a major map amendment that would change the zoning of approximately 32 acres of property located in the B-1(c), B-1(g), M-1, and CT districts to include the Downtown Neighborhood Protection Overlay designation.

Trish McGuire, the town's Planning Administrator, made the presentation.

Charles Browning, with Riggsbee-Hinson Furniture, asked that the Board consider not dropping them out of the overlay, and asked that the Board consider an alternative to the residential overlay because it will affect them financially.

David Craine asked for a clarification of what the buffer meant.

Pearlie Jones, a resident of Eugene Street, asked where tall buildings could be built.

Debra Seaton, owner of 203 N. Greensboro Street, asked for more time to digest this information.

Alderman Broun asked if the Power Point presentation could be put on the town's website.

Michael Roberts, owner of 106 Poplar Avenue, asked for reduced building heights. He stated that he would support requiring conditional use permits for any buildings over 2 stories, would be against reduced buffers.

David Ripperton, architect for the Andrews Riggsbee Hardware, presented photos of Weaver Street, presented a sketch of the redevelopment proposal for the hardware site, suggested a vertical DNP by setting the building back 50 feet, and asked that future committee selections include minority and long-time residents.

Ellen Virchick, a resident of 214 Maple Avenue, expressed concern about the appearance of the buildings, putting buildings on the road would not feel or look right, and stated that she does not feel five story buildings belong in Carrboro.

Clementine Self a resident of Broad Street stated that she feels the building at Merritt Mill/Rosemary is an eyesore. Carrboro does not need that type building.

Michelle Rivest, a member of the DNP committee, stated that she had problems understanding the proposed ordinance. She also stated that she does not support tall buildings next to neighborhoods, would like more setbacks from property lines, and the breaking up of the horizontal lines will present relief for neighborhoods. She stated that any project over 2 stories should require a conditional use permit, and stated that she would not want a reduced buffer.

Robert Dowling with Orange Community Housing and Land Trust stated that he feels it is important to build more office space.

Jack Haggerty suggested that the overlay zone be a supplement to the Architectural Guidelines.

Lyle Lansdale, a resident of E. Poplar, stated that she would have liked a definition of zoning areas, and stated that tall buildings will rob us of our air and light and asked for 2 and 3 story buildings next to the street

Hazel Ferrell, owns Riggsbee Hinson Warehouse, does not agree with the proposal.

James Carnahan, Chair of the Planning Board, explained the Planning Board's recommendation.

Letters were received from David Ripperton and Barton Lloyd. In summary, Mr. Ripperton's letter stated that he felt the committee's recommendations are too complex, burdensome and restrictive; the inclusion of an option for the exchange of setback distance for increased development rights would be beneficial in planning for both the commercial-residential interface, as well as open space. Mr. Lloyd's letter requested that the proposed ordinance be returned back to the planning department for thoughtful reconsideration because he feels the draft ordinance would lead to a greater prevalence of buildings constructed at least in part with materials other than brick because of the stepped back requirement. In addition, the 50-foot buffer required by the draft ordinance would require either a severely limited footprint, a two-story height limitation or cumbersome and aesthetically questionable architectural features such as the mandated "stepbacks", mansard or gambrel roofs.

Alderman Chilton asked that the 70-degree roof provision be removed.

Alderman Broun asked for more design information and materials.

Alderman Gist stated that she wished that the Board had dealt with neighborhood preservation and neighborhood protection at the same time as the rest of the land use ordinance was changed.

Alderman Zaffron feels that adjustment can be made to the proposal to make it work.

Alderman McDuffee expressed her desire to see projects with two stories or more come to the Board of Aldermen for review.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MARK CHILTON TO CONTINUE THE PUBLIC HEARING TO AUGUST 23, 2005. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH AFFORDABLE HOUSING REVIEW REQUIREMENTS

A draft ordinance that would amend the Land Use Ordinance and establish a review requirement for residential projects that did not include 15 percent affordable housing has been prepared. It was necessary for the Board of Aldermen to hold a public hearing before taking action on an amendment to the text of the Land Use Ordinance.

Trish McGuire, the town's Planning Administrator, made the presentation.

Robert Dowling, Executive Director of Orange Community Housing and Land Trust, asked that the Board consider adopting the proposed ordinance. He suggested a payment in lieu of providing affordable housing in small developments.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK CHILTON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH AN AFFORDABLE HOUSING REVIEW REQUIREMENT FOR RESIDENTIAL PROJECTS REQUIRING A SPECIAL OR CONDITIONAL USE PERMIT WHEN SUCH PROJECTS DO NOT CONTAIN A MINIMUM 15% AFFORDABLE UNITS." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

It was the consensus of the Board to direct the town staff to provide report on payment in lieu of affordable housing for small subdivisions.

Alderman Broun requested that the Board hold a worksession on affordable housing strategies prior to the September 29th Assembly of Governments meeting.

AWARD OF CONSTRUCTION CONTRACT FOR THE LISA DRIVE AND QUAIL ROOST DRIVE SIDEWALK BOND AND PAVING PROJECTS

The purpose of the agenda item was to award a construction contract for the Lisa Drive/Quail Roost Drive Sidewalk Bond and paving project.

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

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

A RESOLUTION AUTHORIZING TOWN MANAGER TO NEGOTIATE
WITH LOW BIDDER OR REJECT BIDS
Resolution No. 193/2004-05

WHEREAS, the Town of Carrboro advertised for and received bids for a Construction Contract for Lisa Drive/Quail Roost Drive sidewalk bond and paving projects;

WHEREAS, bids were opened on the morning of June 28, 2005, and the low bid received was for \$428,438.50, substantially more than the Town Engineer's estimate for the projects;

WHEREAS, North Carolina General Statutes Section 143-129, entitled "Procedure for Letting Of Public Contracts," provides in subparagraph (b) that when the lowest responsible bid exceeds funds available for the project, the governing body is authorized to negotiate with the lowest responsible bidder in order to bring the contract price within the funds available and then enter into or award the contract to the bidder at a negotiated price within the funds available.

NOW, THEREFORE, IT IS RESOLVED BY TOWN OF CARRBORO BOARD OF ALDERMEN AS FOLLOWS:

1. The Board of Aldermen hereby authorizes the Town Manager to negotiate with the low bidder, Asphalt Experts of Durham, consistent with General Statutes Section 143-129(b) toward the end of reaching an agreement and awarding a contract to such bidder in an amount not to exceed \$428,438.50 in the aforesaid projects;
2. That if the Town Manager, in consultation with the Public Works Director and the Town Engineer, is able to negotiate an agreement with Asphalt Experts of Durham, the low bidder, set forth in paragraph 1 above, then the bid shall be awarded to Asphalt Experts of Durham without further action by the Board, and the Town Manager is authorized to execute a contract with Asphalt Experts of Durham; and
3. If the Town Manager, in consultation with the Public Works Director and the Town Engineer, is not able to negotiate a satisfactory contract price for the work, then the Town Manager may reject all bids and the Town Staff may make changes in the plans and specifications and re-advertise the projects in order to bring the cost of the projects within the funds available therefore.
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 28th day of June, 2005:

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

Noes: None

Absent or Excused: Michael Nelson, John Herrera

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK CHILTON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2004-05 BUDGET ORDINANCE."
VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

REQUEST TO SET A PUBLIC HEARING ON AN ORDINANCE ESTABLISHING A MORATORIUM ON CERTAIN DEVELOPMENT PROJECTS IN THE R-2 ZONING DISTRICT

On June 21, 2005, the Board of Aldermen discussed rezoning options in the Brewer Lane area and identified several strategies that would benefit from further consideration. The Board of Aldermen requested that staff prepare an ordinance establishing a moratorium on certain projects in the R-2 zoning district to provide time to consider rezoning options further. It is necessary to receive public comment on the ordinance establishing a moratorium. A resolution that sets a public hearing for August 23, 2005 was provided for the Board's consideration.

Alderman Chilton requested to be excused from voting on this matter because he owns property in the area under discussion.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO EXCUSE ALDERMAN CHILTON FROM VOTING ON THIS MATTER. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

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

A RESOLUTION CALLING A PUBLIC HEARING ON AN ORDINANCE THAT ESTABLISHES A MORATORIUM ON CERTAIN DEVELOPMENT PROJECTS IN CARRBORO'S R-2 ZONING DISTRICT
Resolution No. 189/2004-05

WHEREAS, on June 21, 2005, the Board of Aldermen listened to and discussed a staff presentation, made at the Board's request, regarding the possibility of rezoning some or all of the property currently zoned R-2 to an alternative zoning district that might be more consistent with current planning policies and objectives for the subject area; and

WHEREAS, the Board has determined that it is appropriate to consider more fully the various zoning possibilities for the area currently zoned R-2; and

WHEREAS, the Board wishes to consider the possibility of adopting a moratorium on development within the R-2 zoning district in order to preserve the status quo with respect to the subdivision of land and the construction of new buildings (other than accessory buildings), pending the completion of further study by the staff, the receipt of recommendations by applicable advisory boards, and consideration by the Board of Aldermen of specific rezoning proposals for the area currently zoned R-2; and

WHEREAS, such a moratorium may only be adopted following a public hearing that has been duly advertised in accordance with the procedures applicable to the adoption of other amendments to the land use ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on August 23, 2005 to receive public comment on the establishment of a moratorium on certain projects in the R-2 zoning district.

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

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of June, 2005:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: John Herrera, Michael Nelson, Mark Chilton

DRAFT OF THE AGENDA FOR THE ASSEMBLY OF GOVERNMENTS MEETING

Alderman Broun presented a draft of the agenda for the upcoming Assembly of Governments meeting. Alderman McDuffee suggested that each government present staff status reports on affordable housing and have a discussion of defining county goals and ways to reach those goals.

Alderman Gist suggested a stated that a discussion needs to be held about cheaper building alternatives.

Alderman Chilton suggested a discussion of jointly owned land that could be used for affordable housing.

Alderman Zaffron suggested a discussion of using the low-income tax credit program as a possible solution to accommodate affordable housing.

Alderman Broun stated that she would redraft the proposed agenda for the Board's review.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE METING AT 10:05 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

Mayor Pro Tem

Town Clerk

