

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 25, 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
Deputy Town Clerk	Sharmin E. Mirman

### **A RESOLUTION CALLING FOR NEW FEDERAL PRIORITIES**

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

#### A RESOLUTION CALLING FOR NEW FEDERAL PRIORITIES Resolution No. 35/2005-06

WHEREAS, the war in Iraq is siphoning billions of dollars from the U.S. economy and straining the fiscal health of our federal, state and local governments; and

WHEREAS, federal administration priorities and policies have led to de facto unfunded mandates on local governments, such as:

- Demands for increased testing without sufficient funding for public education
- Failed energy policies that increase dependence on costly non-renewable fuels
- Health care policy that favors pharmaceutical and insurance industries at the expense of employers and citizens
- Environmental policies that worsen air pollution and drive up health care costs
- Lax enforcement of job safety regulations resulting in productivity losses and increasing health costs
- Mismanagement of homeland security that places increased burdens on local governments for disaster planning and relief
- Failure to enforce worker rights laws and establish a meaningful minimum wage, resulting in increased poverty and demand for increased access to local health and human services
- Gutting of federal programs for low-income families that has created increased local burdens for housing and other services
- The promotion and subsidy of large-scale agribusiness corporations which contribute to the crippling of local farm economies which have traditionally been the foundation of healthy rural life, the source for local food, and are minimally oil-dependent
- Immigration reform; and

WHEREAS, no-bid contracts to major corporations for reconstruction in the southeast United States and Iraq undermine the trust of citizens in the integrity of government.

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

Section 1. The Mayor and Board of Aldermen hereby petition the Bush Administration and Congress to end the war in Iraq, re-establish a progressive tax code, curtail favoritism toward corporate interests, develop responsible policies focused on renewable energy, fund mental health services, quality health care, and affordable housing, with particular attention to section 8, and commit to priorities that reflect the common good.

Section 2. Copies of this resolution shall be forwarded to President George W. Bush, Congressman David Price, and Senators Elizabeth Dole and Richard Burr.

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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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### **WELCOME NEW BUSINESS TO CARRBORO**

Alderman McDuffee welcomed Island Traders Clothing, a new store on Weaver Street. Beth Bradshaw is the owner and has deep roots in Carrboro. She said that they have great clothing and she hopes they do well.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO APPROVE THE OCTOBER 4 AND 11, 2005 MINUTES. VOTE: AFFIRMATIVE ALL

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### **APPOINTMENT TO THE HUMAN SERVICES COMMISSION**

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing Audrey Layden to the Human Services Commission.

Alderman Gist stated that he thought there were additional vacancies on the Human Services Commission and asked why only one person was being recommended.

Mr. Stewart stated that the agenda item abstract stated that there is only one vacancy at this time.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE  
HUMAN SERVICES COMMISSION  
Resolution No. 26/2005-06

WHEREAS, there is currently one vacant seat on the Human Services Commission; and

WHEREAS, this position has been advertised and the Town Clerk has received applications; and

WHEREAS, these applications were forwarded to the Chair of the Human Services Commission for review and consideration; and

WHEREAS, the Chair of the Human Services Commission is recommending that Audrey Layden be appointed to the vacant seat.

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

Section 1. The Board of Aldermen hereby appoints Audrey Layden to a seat on the Human Services Commission. Ms. Layden's term shall expire in February 2008.

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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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**APPOINTMENT TO THE ECONOMIC SUSTAINABILITY COMMISSION**

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing Eleanor Kinnaird to the Economic Sustainability Commission.

Alderman Gist said that there were many applicants for the Economic Sustainability Commission and would like the steering committee to involve these people in any way that they can.

Alderman Chilton stated that he hoped that the Board chairs interview all applicants for boards.

Mayor Nelson stated that the Chairs of all boards should be reminded to interview all applicants.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE  
ECONOMIC SUSTAINABILITY COMMISSION  
Resolution No. 25/2005-06

WHEREAS, there is currently one vacant at-large seat on the Economic Sustainability Commission (ESC); and

WHEREAS, this position has been advertised and the Town Clerk has received applications; and

WHEREAS, these applications were forwarded to the Chair of the ESC for review and consideration; and

WHEREAS, the Chair of the ESC is recommending that Eleanor Kinnaird be appointed to the vacant seat.

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

Section 1. The Board of Aldermen hereby appoints Eleanor Kinnaird to an at-large seat on the Economic Sustainability Commission. Ms. Kinnaird's term shall expire in February 2007.

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 25th day of October, 2005:

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

Noes: None

Absent or Excused: None

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**TOWN CODE AMENDMENT - PARKING RESTRICTIONS IN ROSEMARY STREET PARKING LOT**

An ordinance amending Chapter 6 of the Town Code to make a correction to the parking limitations in the Rosemary Street Parking Lot was recommended for the Board's adoption.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO SPECIFY PARKING RESTRICTIONS IN THE ROSEMARY STREET PARKING LOT." VOTE: AFFIRMATIVE ALL

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**REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY LAND USE PERMIT REQUIREMENTS FOR TOWN-OWNED AND OPERATED FACILITIES AND SERVICES**

Staff has determined that permit requirements for town-owned and/or operated facilities and services are in need of refinement. A draft ordinance that provides such refinement was prepared. A resolution that sets a public hearing for November 22, 2005 was recommended for the Board's adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS MODIFYING LAND USE PERMIT REQUIREMENTS FOR TOWN-OWNED AND OPERATED FACILITIES AND SERVICES

Resolution No. 34/2005-06

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 November 22, 2005 to consider adopting “An Ordinance Amending the Land Use Ordinance Provisions Modifying Land Use Permit Requirements for Town-owned and Operated Facilities and Services.”

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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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**REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENT TO REVISE THE LIMITATIONS ON RESIDENTIAL UNIT ADDITIONS AND REPLACEMENTS**

The Town has received a request to amend the text of the Land Use Ordinance to revise the limitations on residential unit additions and replacements that currently necessitate the issuance of a special use permit in certain circumstances. A draft ordinance that responds to this request has been prepared. A resolution that sets a public hearing for November 22, 2005 was recommended for the Board’s adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON LAND USE ORDINANCE TEXT  
AMENDMENTS TO REVISING THE LIMITATIONS ON  
RESIDENTIAL UNIT ADDITIONS AND REPLACEMENTS  
Resolution No. 30/2005-06

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 November 22, 2005 to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Revise Limitations on Residential Unit Additions and Replacements.”

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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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**REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO**

The Board of Aldermen has been considering architectural requirements for the downtown area. A draft ordinance that incorporates architectural standards discussed on August 16, 2005 has been prepared. A resolution that sets a public hearing for November 22, 2005 was provided 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 LAND USE ORDINANCE TEXT AMENDMENTS TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN DEVELOPMENT  
Resolution No. 28/2005-06

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 November 22, 2005 to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Establish Architectural Standards for Developments in the B-1(c), B-1(g), CT, M-1, and B-2 Zones."

BE IT FURTHER RESOLVED that the draft amendment 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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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**A REQUEST TO MAKE AN APPOINTMENT TO THE ORANGE COUNTY SOLID WASTE ADVISORY BOARD**

The Mayor and Board of Aldermen were requested to consider reappointing Dr. Linda Bowerman to serve as one of the Town of Carrboro's representatives on the Orange County Solid Waste Advisory Board. A resolution was provided for the Board's consideration.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE COUNTY SOLID WASTE ADVISORY BOARD

WHEREAS, the Town of Carrboro has two seats on the Orange County Solid Waste Advisory Board; and

WHEREAS, Mr. Albert Vickers currently serves in one of these seats and Dr. Linda Bowerman serves in the other seat; and

WHEREAS, Dr. Bowerman's term expired on June 30, 2005; and

WHEREAS, Dr. Bowerman has indicated her desire to be reappointed.

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

Section 1. The Board of Aldermen hereby reappoints Dr. Linda Bowerman to serve as one of the Town of Carrboro's representatives on the Orange County Solid Waste Advisory Board.

Section 2. Dr. Bowerman's term will expire on June 30, 2008.

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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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**PUBLIC HEARING TO CONSIDER LAND USE ORDINANCE TEXT AMENDMENTS PERMIT REQUIREMENTS FOR CERTAIN BUILDINGS IN DOWNTOWN ZONING DISTRICTS**

As part of its consideration of the Downtown Neighborhood Protection overlay zoning district that was approved on August 23, 2005, the Board of Aldermen set a public hearing for a Land Use Ordinance text amendment to modify the permit requirements for certain buildings in downtown zoning districts. It was necessary for the Board of Aldermen to receive public comment before taking any action in relation to text amendments.

Trish McGuire, the town's planning administrator, addressed the Board.

James Carnahan, Chair of the Planning Board, addressed the Board. He cited three problems with the proposal:

- 1) The combination of downtown neighborhood protection overlay and the architectural standards would be and should be sufficient to give us the building character that we are looking for.
- 2) It seems inconsistent with our desire to maximize the very limited resource we have in the downtown by identifying a margin beyond which a more arduous approval process would be necessary – it is a one story margin. These are small parcels of land and more than likely an owner or developer will have

limited resources to develop in the first place and they will see this obstacle and they would make the decision to do a less intensive use to avoid the public process.

- 3) The downtown we have now, the Mill, the Broad Street building, the 100 block of E. Main Street, as well as other modest, ordinary buildings, came about without this kind of requirement. The Planning Board leans toward a process that has as many performance measures as necessary where every developer is not required to go through this really intense process.

Mr. Carnahan stated that the town does not have a level playing field currently in the downtown. The Board could adopt a lot of performance measures and then don't require a c.u.p., or require a c.u.p. for every development in downtown that is over a very small size.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS MAKING CERTAIN BUILDINGS IN DOWNTOWN ZONING DISTRICTS PERMISSIBLE WITH A CONDITIONAL USE PERMIT," AMENDED TO INCLUDE A THREE-YEAR SUNSET CLAUSE, WITH ANNUAL STAFF REPORTS ON THE EFFECTIVENESS OF THE ORDINANCE, AND THAT THE TOWN STAFF PREPARE ALTERNATIVE SOLUTIONS TO ACHIEVE BOARD GOALS AND DEVELOPMENT PRFORMANCE MEASURES. VOTE: AFFIRMATIVE SIX, NO ONE (HERRERA)

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### **APPOINTMENT TO THE ORANGE COUNTY TRANSFER OF DEVELOPMENT RIGHTS TASK FORCE**

The Orange County Board of Commissioners has created the Transfer of Development Rights Task Force. This task force is charged with evaluating the feasibility of establishing a Transfer of Development Rights program in all portions of Orange County. The Commissioners requested that a member of the Carrboro Board of Aldermen be appointed to serve on this task force.

Alderman Gist requested that the Task Force review the work of the former Transfer of Development Rights Task Force.

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

A RESOLUTION MAKING APPOINTMENTS TO THE  
ORANGE COUNTY TRANSFER OF DEVELOPMENT RIGHTS TASK FORCE  
Resolution No. 31/2005-06

WHEREAS, the Orange County Board of Commissioners has created the Transfer of Development Rights Task Force; and

WHEREAS, that task force has been charged with evaluating the feasibility of establishing a Transfer of Development Rights program in all portions of Orange County; and

WHEREAS, the County Commissioners have requested that a member of the Carrboro Board of Aldermen be appointed to serve on the Task Force.

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

Section 1. The Board of Aldermen hereby appoints Alderman Alex Zaffron (and John Herrera as an alternate) to serve on the Orange County Transfer of Development Rights Task Force.

Section 2. That this task force review the materials considered by the former Transfer of Development Rights Task Force.

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 25<sup>th</sup> day of October, 2005:

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

Noes: None

Absent or Excused: None

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**HONORING ROSA PARKS**

Alderman Joal Broun acknowledged the death of Rosa Parks today and asked for a moment of silence to remember the contribution she made to the United States.

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO ADJOURN TO CLOSED SESSION AT 8:24 P.M. TO DISCUSS ACQUISITION OF PROPERTY AND A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

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Mayor

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Deputy Town Clerk