

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 28, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Joal Hall Broun
Aldermen	Dan Coleman Jacquelyn Gist John Herrera Ranee Haven-O'Donnell Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

Absent:

Mayor	Mark Chilton
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PUBLIC HEARING: MINOR MODIFICATION TO THE CELLULAR TOWER CONDITIONAL USE PERMIT LOCATED AT 515 SOUTH GREENSBORO STREET

David Hockey, representing Clearwire LLC, has applied for a minor modification to the American Tower Telecommunications Conditional Use Permit located at 515 South Greensboro Street. The proposed modification will consist of the installation of a three-foot by three-foot cabinet at the base of the fenced-in tower and the installation of an antenna array at a height of 116 feet. The proposed minor modification is for the mobile Internet use and not related to cellular phone usage. The staff requested that the Board review, deliberate, and make a decision regarding the minor modification request.

James Thomas, one of the town's Zoning Specialists, addressed the Board.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE
AMERICAN TOWER TELECOMMUNICATION TOWER
LOCATED AT 515 SOUTH GREENSBORO STREET
Resolution No. 92/2005-06

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 515 South Greensboro Street on November 10, 1992; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit and that one of the conditions of the original CUP for this particular tower requires a public hearing for any modification to the tower; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the American Tower conditional use permit located at 515 South Greensboro Street allowing Clearwire, LLC

the installation of a three foot by three foot cabinet at the base of the fenced in tower and the installation of an antenna array at the height of 116 feet.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of March, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Mark Chilton

PUBLIC HEARING ON REZONING PROPOSAL FOR R-2 DISTRICT/ESTABLISHMENT AND PLACEMENT OF OR-MU ZONING DISTRICT

The Board of Aldermen enacted a 180-day moratorium on land use permit review of certain developments in the R-2 zoning district on August 23, 2005 and subsequently directed staff to prepare an ordinance that established a new zoning district in that area. It was necessary for the Board of Aldermen to receive public comment before taking action on the draft ordinance.

Trish McGuire, the Town's Planning Administrator, addressed the Board.

Alderman Herrera asked about the closest sewer lines to the property.

Roy Williford, the Town's Planning Director, said that there are sewer lines running toward the stream area above Knolls Street near Roberson Street in a southerly direction.

Alderman Haven O'Donnell asked if there had been any feedback from the Gattis family.

Mitch Virchick, a resident of Maple Avenue, addressed the Board. He stated that the rezoning plan for the cemetery is confusing and that he had concerns that it would be compromised.

Alderman Zaffron stated that it is currently non-conforming and that this will bring it into conformity.

David Rooks, an attorney representing Sam and Vicki Hunt, owners of the Hunt Electric property, addressed the Board. He stated that the Hunts have had a business in Carrboro for over 20 years and want to stay in Carrboro but they are now a non-conforming use. This will limit their ability to expand their business. They would like to do something with it, but as long as it is a non-conforming use, there is no economic incentive and there are planning problems. The problem with the ordinance is that it does not make Hunt Electric a conforming use. He asked that the Board re-define a retail, low-volume, traffic generator.

Mike Brough said there is no problem with it conceptually. He stated that he was not sure it was within the framework of what has been proposed for this hearing because it would apply across the board and would not affect only this one zoning district that is being proposed. If the Board says it looks like a good idea, we can get it and bring it back. It will take a while to go through the appropriate steps.

James Carnahan, the Chair of the Planning Board, addressed the Board. He stated the recommendations that were voted on unanimously by the Planning Board.

Perry Saffron, an attorney in Raleigh representing the Southern Equipment Company (which operates Readimix Concrete Company and STGL, a property owner in area affected by this ordinance) addressed the Board. He agrees with the Economic Sustainability Commission's decision to require two more weeks of consideration to Carrboro Board of Aldermen

evaluate comments and make recommendations. He stated that he wished to focus on the legislative, not judicial process. STGL purchased the property in the R2 zoning district - an area buffered or protected from expansion and intensification of commercial development in the downtown. He stated that they had not found compelling information that would drive a non-retail commercial use. It is not time to rezone or downzone a piece of property at this location that sits idle for a long period of time. Has research been done? He asked that the Board carve out those appropriate exceptions to zoning, as legislatures, to committed, processed, pending applications, and examine fairness for what is in process. We think that the Board, as legislators, needs to make findings that the vision that you previously had has changed. We do not think that research has been done. We offer to be part of that process and to share data that we find compels it to be residential.

Alice Neebe addressed the Board. She stated that a reduction of density for lots in R-2 to R-7.5 is unfair. The adjacent property is being increased to non-residential uses. The Neebes have offered to grant access to the owners of the Gattis property. It is unfair to have the OR-MU next to R-7.5. This exempts them from having business development, and limits improvement to property they already have.

Valerie Lambert, a resident of Roberson Place, addressed the Board. She stated concern about properties being rezoned to R.7.5. She fears that a developer will come in and build enormous houses.

Alderman Zaffron said that it means that the minimum lot size per dwelling unit is 7500 square feet.

Valerie Lambert stated that she wants to keep the cemetery area as it is. She asked about the status of the bike path.

George Seiz, the Town's Public Works Director, said the town staff is opening bids for the Roberson Bikepath project on April 13th and construction will begin this summer.

Alderman Herrera asked about the plan of sidewalks for Hargraves Street and Eugene Street. This is one of the few remaining historical African American neighborhoods in Carrboro and there are concerns about retaining the character of the neighborhood.

Roy Williford said that there are sewer lines on Hargraves and Eugene Streets. They were put in around 1967 or 1968.

Alderman Broun asked staff to check with OWASA about sewer lines in that area.

Beth Flora, a resident of Carr Court, addressed the Board. She stated that she and her neighbors were not prepared to address the issues because they did not understand what was going on. They asked the Board for more time to get their concerns to them. She invited the Board to her neighborhood and to her home. She said she was surprised that Mr. Gattis was not present at the meeting. She said that historically, hers is an African American neighborhood with a lower income bracket. She stated that, while Ms. Neebe wants to develop commercially, she does not believe that is the feeling of the entire neighborhood. They want to preserve the neighborhood and they want more time.

Pearlie Jones, a resident of Carr Court, addressed the Board. She said that they did not understand, but they do have some concerns. The sewer line is not good and they have problems two or three times this year. She stated that there is no place for their children to play. They used to have room in their neighborhood but the daycare locked the area off. They have no sidewalks. There is trouble with water washing through their neighborhood and washing away their land. Gutters are running over on Eugene Street where she lives.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO KEEP THE PUBLIC HEARING OPEN UNTIL APRIL 25th, SO THE NEIGHBORS HAVE TIME TO HAVE THEIR DISCUSSIONS AND THE ECONOMIC SUSTAINABILITY COMMISSION HAS HAD TIME TO MEET. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

Alderman Zaffron asked the Planning Board to take another look at comments and suggestions about thresholds. He asked staff for a response to the proposal made by David Rooks.

Alderman Haven O'Donnell asked that someone contact Mr. Gattis to get his perspective on the OR-MU.

Alderman Herrera stated that it would be good for us to go into this neighborhood and have a meeting with them, officially, not just as individuals, and explain benefits of what we are trying to develop.

Alderman Coleman said he is planning to meet with Ms. Flora and will let anyone who is interested know.

Alderman Zaffron cautioned everyone to consult with the attorney prior to meetings/discussions.

Mike Brough said there is no problem meeting with neighbors just as long as there is not a quorum of the Board present.

MOTION WAS MADE BY JOHN HERRERA TO HAVE AN OFFICIAL MEETING WITH THE RESIDENTS OF CARR COURT. (MOTION DIED FOR THE LACK OF A SECOND.)

Alderman Broun said that Alderman Coleman will communicate with the neighborhood representative and will let the Board know so that the open meetings law is not violated.

Alderman Broun stated that Alderman Herrera asked staff to contact OWASA re: (Eugene Street neighborhood) sewer pressure and report back to the Board. Also, there is a question of stormwater that needs to be looked at and causes of loss of soil and amount of surrounding impervious surface.

Alderman Herrera expressed his frustration with the Board to second his motion. When folks are trying to reach out to us, we should take opportunity to run with it. We just missed an opportunity to provide a voice for those who do not have one.

Alderman Broun said that there are only two board members working with the New Horizons and that is for a limited period. Just because we are not having an official meeting does not mean that we value the neighborhood any less.

Alderman Gist voted against the motion because when you have a big official meeting, the press and town staff is there and it can become uncomfortable for neighbors. Having small, intimate conversations between several members of the Board and several members of the community is more effective, intimate and not intimidating.

Alderman Coleman said the discussion came up in the context of a public hearing on the adjoining property and he doesn't see how it relates to the issue of rezoning. The comparison to New Horizons is a good one because Alderman Haven-O'Donnell spent a lot of time talking to people in neighborhood and talked to staff about it.

Alderman Haven O'Donnell said that she did not second Alderman Herrera's motion because she was thinking about Miss Jones and Miss Flora. They want to learn about this and would be more comfortable in their own living room with in an informal grouping. If a big group and the press came, ownership and empowerment does not belong to them.

Alderman Herrera said that he appreciates the feedback and meant no offense.

PUBLIC HEARING: LAND USE ORDINANCE AMENDMENT AUTHORIZING LIMITED OFFICE USES IN THE B-3 ZONING DISTRICT

The Town has received a request from William Douglas Mitchell, owner of property in the B-3 zoning district, to amend the text of the Land Use Ordinance to allow offices with a special use permit in that district. It was necessary for the Board to receive public comment prior to taking any action.

Trish McGuire, the town's Planning Administrator, addressed the Board.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW OFFICE USES IN THE B-3 ZONING DISTRICT." VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

Alderman Coleman disclosed that that he owns property in the B-3 area and that the attorney advised him that it is o.k. for him to vote.

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING
THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING OR REJECTING A ZONING MAP
AND/OR TEXT AMENDMENT TO THE TOWN OF CARRBORO LAND USE ORDINANCE
Resolution No. 104/2005-06

WHEREAS, an amendment to the text and/or map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: to allow office uses in the B-3 zoning district.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above-described amendment is consistent with the adopted Town's policy, Vision 2020 and applicable sections and downtown visioning report.

Section 2. The Board concludes that its adoption of the above-described amendment is reasonable and in the public interest because it is consistent with the aforementioned policies cited in section one.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of March, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Mark Chilton

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:32 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

Mayor Pro Tem

Deputy Town Clerk