

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 25, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

BOARD OF ALDERMEN'S MEETING RESCHEDULED

Mayor Chilton announced that the Board of Aldermen's meeting scheduled for Tuesday, May 2nd, at 7:30pm would be moved to Wednesday, May 3rd at 7:30 pm because of May 2nd being Primary Election Day.

MEETING WITH STATE LEGISLATIVE DELEGATION

Mayor Chilton reminded the Board that the breakfast meeting with the Legislative Delegation would be held on May 12th at 7:30 am in the Carrboro Town Hall board room.

PUBLIC HEARING: TEMPORARY CLOSING OF WEAVER STREET FROM NORTH GREENSBORO STREET TO WEST MAIN STREET

The purpose of this agenda item was for the Board of Aldermen to hold a public hearing to consider the temporary closing of Weaver Street (North Greensboro to West Main), from 1:30 pm to 4:30 pm on Sunday, April 30, 2006 to accommodate the *Earth Action Fest Parade* and the "*Its Carrboro*" music video shoot.

George Seiz, the Public Works Director, addressed the Board. He stated that Brian Risk had withdrawn his request to close Weaver Street for the "It's Carrboro" music video. He stated that Brian Kinahan, with Earth Action Fest requested a 20-minute parade. He stated that he and Captain Caldwell discussed it and assessed that it would cost between \$500 and \$600. This would involve a 30-minute street closing with an hour before and an hour after.

Police Capt. Daryl Caldwell addressed the Board about where police officers would be located.

Brian Kinahan, with Earth Action Fest, addressed the Board. He stated that they were told in January that they needed insurance to use the Town Commons but there was a misunderstanding on their part. They requested an alternative to the street closing that could be done with police officers, like they did in Chapel Hill last year. He asked the Board to consider capping their fee.

Mayor Chilton asked for clarification about the insurance policy.

Steve Stewart said it is based on a recommended \$2 million liability policy.

Mayor Chilton stated that a \$1million liability policy is more common and cheaper. He asked if staff could research and find out if it is true that there is a considerable difference between a \$1 million and \$2 million policy for the future and to take action accordingly so it is not an impediment to events being held in Carrboro.

Brian Kinahan said the estimate for the insurance policy is \$450.00.

Alderman Coleman asked for feedback from staff about insurance options to be discussed by the Board at another meeting that is not in the context of an application.

MOTION WAS MADE BY JOAL BROUN AND SECONDED BY JACQUELYN GIST TO ASSIST EARTH ACTION FEST WITH \$500.00 OUT OF THE TOWN'S CONTINGENCY FUND TO HELP PAY FOR THE COST OF THE PARADE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION TO TEMPORARILY CLOSE THE FOLLOWING STREETS TO
ACCOMMODATE THE EARTH ACTION FEST PARADE
Resolution No. 111/2005-06

Section 1. The following streets shall be temporarily closed Sunday, April 30th, 2006 from 1:30 pm to 3:00 pm to accommodate the *Earth Action Fest*. 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.

Street Portion to be closed

Weaver Street from North Greensboro to West Main.

Section 2. The Town shall supply the appropriate traffic control devices.

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 sponsors will be responsible for reimbursing the town for costs associated with traffic control and protection, and publishing the public hearing notice.

Section 5. The event sponsors are to provide liability insurance as required in Section 7-21 of the Town Code.

Section 6. The event sponsors shall be responsible for cleaning up any litter caused by the event as required in Section 7-25 of the Town Code.

Section 7. Event Coordinators shall be responsible for providing at least 9 volunteers to assist with traffic control.

Section 8. 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 April, 2006:

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

Noes: None

Absent or Excused: None

Mayor Chilton asked the town staff to bring the Board a report on insurance policy options.

CARRBORO DAY

Mayor Chilton said they are still looking for volunteers for Carrboro Day on Sunday, May 7th. He said to visit carrboro.com for more information.

CONTINUATION OF THE PUBLIC HEARING: REZONING PROPOSAL FOR R-2 DISTRICT/ESTABLISHMENT OF OR-MU ZONING DISTRICT

The Board of Aldermen held a public hearing on March 28th and continued it to the April hearing to allow additional time for the Board to receive public comments before taking action on the draft ordinance.

Mayor Chilton asked the Board to recuse him from this item due to a conflict of interest.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL BROUN TO RECUSE MAYOR CHILTON. VOTE: AFFIRMATIVE ALL

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

David Rooks, representing Hunt Electric, addressed the Board. He stated that the staff proposal allows Hunt Electric to be made conforming as part a redevelopment plan. He does not make Hunt Electric conforming now. They would like to be made conforming now.

Perry Saffron, representing The Southern Equipment Company (which operates Ready Mix Concrete Company and STGLLC) addressed the Board. He quoted a recommendation from the Economic Sustainability Commission regarding access to the property: "it is our recommendation that mixed use be permitted but not required. We also want to recommend that light manufacturing as well as research and development uses be permitted." He stated that his client's problem with access is aggravated by the mixed-use concept. He urged the Board to think about access and not to rezone the property.

Harvey Reid, a Carr Court homeowner, addressed the Board. He stated that he represented the Carr Court homeowners and came to discuss the impact of rezoning on property. He presented the Board with a petition from homeowners stating that they agree to the current proposal. They are concerned about the impact that density will have on their families and have begun to meet to address and provide the Board with their primary concerns. There is only one entrance – a railroad and no protection. He stated that they feel the impact of the bar and karate school. Sometimes the traffic is so heavy, just getting in and out is hazardous. He stated that they are concerned taxes going up and that many of the residents are on fixed incomes. He stated that the cement plant is an issue--it is disturbing to hear the noise all-night and early in the morning. .

Alderman Gist asked staff for their opinion on what would happen to the tax bill for folks on Carr Court if the zoning change goes through.

Mr. Reid stated that there is only one way in and if train collapsed, or there was a multiple car wreck, there is no way of coming in or out.

Alderman Herrera asked if Mr. Reid supported the bike path.

Mr. Reid said sometimes bikers are in danger when they come over Brewer Lane. They suffer the same issues - so many people are using the same throughway.

Deloris Bailey, Executive Director of Empowerment, addressed the Board. She stated that the Carr Court community is united again. It is the oldest neighborhood in Carrboro and deserves to be listened to on this issue. They are concerned with density and should not bear the brunt of construction.

Alderman Broun stated that there is no project or application before the Boards.

Ms Bailey said the neighborhood feels it is important to speak up because they will have to bear the brunt of noise and traffic with a mixed-use project. The main issue is that they be listened to.

Alderman Herrera asked if there was a translator for the Hispanic families in Carr Court

Ms. Flores said that the families were invited but they did not come.

William Gattis addressed the Board. He reiterated what his neighbors said. He stated that he wanted his and his mother's property issue to be separate for now, that he has to resolve with Ready Mix and is trying to decide which way to go. He stated his desire for the property to remain zones R-2 for now; any high-density development would have an impact. Brewer Lane apartments and the bar and karate school place a higher burden. Beyond the railroad, there are no sidewalks to Wesley or Eugene Streets. The bike path brings more people. He stated his concern about density and the safety of the children. He, his mom, and Ms. Neevey do not have sewer. They are concerned that the whole town surrounds them. He grew up where people owned their houses. He asked that in the process of rezoning, to please make sure people are cared for - that they get their sewage. They are neglected - sewage builds up behind apartments.

Alderman Coleman asked Mr. Gattis why he wanted the property to stay R-2.

Mr. Gattis said he has issues with his property to get resolved first.

Ms. Flores stated that the residents support mixed use, not residential. They hope it will not become student housing. They do not want that.

James Carnahan, Chair of the Planning Board, addressed the Board. He stated that the Planning Board voted unanimously not to change the thresholds. They want to find every opportunity to find affordable housing in the community. They are working on a recommendation to take a look at the economics of affordable housing and what might be a suitable threshold. .

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

Alderman Broun stated that the Board would not be voting tonight. She asked if the language could be modified without an additional public hearing.

Mike Brough said yes, but it will require some drafting. He would need instruction and language.

Alderman Coleman suggested a compromise re: affordable housing. He stated that a minimum requirement would be 50% residential. A development could go above 50% up to a maximum of 80% as long as 50% of any additional amount above the base 50% meets all affordable housing criteria.

Alderman Broun asked for an opinion about whether to rezone or pull the two properties referred to in Mr. Gattis' packet.

Mike Brough said the Board could do as they choose and revisit the issue at another time.

Alderman Herrera stated that of the twelve people who signed petition, none of them are Spanish. Their input is absent from the process.

Alderman Broun stated that the Board would vote at the next meeting and let all the people who spoke at the hearing know when it would be continued.

Alderman Broun asked staff to:

- Bring back a report on the times that the cement plant is operating and information about the noise issue.
- Check with NCDOT about whether we can get a railroad crossing arm or lights to let people know that a train is coming.
- Check with OWASA re: sewage issue and whether OWASA will provide an 8'' as opposed to 4'' sewer pipe.
- Follow-up about OWASA's sewer policy about engineering costs, project costs and engineering costs of sewerage unsewered neighborhoods
- State or federal funds for people re: getting sewer attached to their home.
- Put up dead end sign.
- Provide new people on Board with factors for sidewalks.
- Contact the Latino families with an interpreter to make see if they have any questions about the rezoning proposal. (Staff was asked to discuss this with Alderman Coleman and Alderman Haven-O'Donnell).

Alderman Haven-O'Donnell asked about the Roberson Place bike path.

Alderman Zaffron said it has gone out to bid and will come to the Board for approval on May 16th.

Alderman Broun asked staff to keep the neighbors informed about this.

PUBLIC HEARING: LAND USE ORDINANCE AMENDMENT TO MODIFY THE MEMBERSHIP REQUIREMENTS FOR THE PLANNING BOARD

The Board of Aldermen expressed an interest in modifying the membership requirements of the Planning Board has been prepared. It was necessary for the Board of Aldermen to receive public comment prior to taking any action on the draft ordinance.

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

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT ONLY ONE MEMBER MUST BE A RESIDENT OF THE ETJ AND ONLY ONE MEMBER MUST BE A RESIDENT OF THE JOINT PLANNING TRANSITION AREA." VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Dan Coleman and seconded by Alex Zaffron.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE
BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT
TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 136/2005-06

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: "An Ordinance Amending the Carrboro Land Use Ordinance to Provide that Only One Member Must be a Resident of the ETJ and Only One Member Must be a Resident of the Joint Planning Transition Area."

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 adopted planning documents, including Vision 2020 and applicable North Carolina General Statutes.

Section 2. The Board concludes that its adoption of the above-described amendment is reasonable and in the public interest because it conforms with the applicable planning documents cited in Section 1.

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 25th day of April, 2006:

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

Noes: None

Absent or Excused: None

APPLE CHILL

Alderman Herrera congratulated town staff for their hard work during Apple Chill.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:29 P.M. VOTE: AFFIRMATIVE ALL

Deputy Town Clerk

Mayor