

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 23, 2007 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
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Alderman	John Herrera
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**PUBLIC HEARING ON A REQUEST FOR THE VOLUNTARY ANNEXATION OF THE HARMONY FARMS AKA JONES PROPERTY**

The purpose of this item was to receive citizens' comments regarding a petition for the voluntary annexation of the proposed Harmony Farms aka Jones Property Architecturally Integrated Subdivision.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE HARMONY FARMS AKA JONES PROPERTY OF ORANGE COUNTY (PIN 9860-92-6679)." VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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**PUBLIC HEARING TO CONSIDER ADOPTION OF A TIME LIMITED ANTI-LINGERING ORDINANCE FOR THE AREA AROUND THE INTERSECTION OF DAVIE ROAD AND JONES FERRY ROAD**

The purpose of this agenda item was for the Board to consider adopting a limited anti-lingering ordinance in response to the issues raised at a community meeting held on July 26, 2007, and at the Board of Aldermen meeting on September 18, 2007, both of which were attended by numerous members of the neighborhood surrounding the intersection in question.

This ordinance would be in effect daily in a circumscribed area near the intersection of Davie Rd. and Jones Ferry Rd. from 11:00a.m. through the afternoon and night until 5:00a.m. the next morning. The purpose of the ordinance is to reduce the trash and behavior problems occurring near the intersection without unduly restricting the right of people to seek work at that location.

James Harris, the town's Community and Economic Development Director, made the staff presentation.

Mike Brough explained the draft ordinance.

Lucy Baldwin said she was hoping the lingering would be eliminated altogether.

John Neville stated that there has been improvement in the situation at the Davie/Jones Ferry Road intersection, but the problem has not been solved. He stated that he feels the draft ordinance is a band aid--it will not solve the problem. He stated that he thought the town should find a central place for these people to gather.

Robin Griffield, a Davie Road resident, stated that drinking and trash are problems and asked if the town could help with trash cleanup. She stated that she was glad that the day workers will not be prohibited from waiting at the Davie/Jones Ferry Road intersection.

Cynthia Cowen, resident of W. Main Street, said there is a Latino presence at Johnny's Sporting Goods on West Main Street and does not want the Davie Road problem to be moved to West Main Street. She stated that she feels the proposed ordinance will result in people being arrested. Feels there is a deeper problem than the ordinance being proposed can solve

Carol Brook stated that she works with immigrant workers and encouraged the Board to think about the root of the problem, which tends to be the day labor system (high rates of injuries, nonpayment of wages, workers compensation), and expressed concern about the problem moving elsewhere if the draft ordinance is adopted. She encouraged the town to provide an alternate location for day laborers that has some oversight. It would give protection to the day laborers and moves the people out of unwanted areas. She stated that she would work with the town or other groups to provide an alternate location for day laborers.

Mr. Cruz stated that he agreed with Ms. Brook's comments.

Emily Scarborough, a resident of 806 Davie Road, stated that she has been considering the installation of a security system on her house and the installation of a security fence around her property because there are constantly people walking through her yard. She stated that she thinks the draft ordinance will help, but a police presence will continue to be needed to enforce the ordinance.

Mike Brough stated that the Board's previous discussions about the draft ordinance could be included when making the findings of fact for the draft ordinance.

Alderman Coleman asked for the Town Attorney's additional analysis of the two cases cited in the letter from the ACLO regarding the draft ordinance – Morales v. City of Chicago and Kent v. Dulles. He also asked that the town staff look into the possibility of moving the day labor area to the Town Commons on an interim basis.

Alderman Haven-O'Donnell commented that one of the problems with moving the day labor pickup to another area would prevent the quick pick up possible now because of the pick-up spot's proximity to the 54 Bypass.

Alderman Zaffron stated that day laborers are not the problem. It is those individuals that are involved in the behaviors that are disturbing the neighborhood, and those individuals are not going to come to the Town Commons.

Alderman Broun asked for the staff response to the Board's question about prohibiting the sale of alcohol at the convenience store.

Mr. Stewart stated Police Department has been in contact with the management at Kangaroo about serving alcohol on premises and underage drinking.

Chief Hutchison stated that Kangaroo had been very responsive to the Police Department and this store was in compliance with the recent sting operation involving the Coalition for Alcohol and Drug Free Teenagers, where four other stores in Carrboro were not in compliance.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REFER THESE COMMENTS TO THE TOWN ATTORNEY AND THAT THIS MATTER BE CONSIDERED BY THE BOARD AT ITS NEXT REGULAR MEETING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

Mr. Neville expressed concern about the pick up of day laborers at the Davie/Jones Ferry Road intersection because children catch the school bus in this same area.

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**PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY PROTECTIVE BUFFER REQUIREMENTS ALONG MAJOR ROADS**

A draft ordinance that removes the roadway buffer requirement along arterial roads whenever properties are developed for use as public fire stations has been prepared. It was necessary for the Board of Aldermen to receive public comment before taking action on an amendment to the Land Use Ordinance.

Alderman Broun asked if the holly tree on the fire substation site would be saved.

Mr. Stewart stated that the holly tree and some of the other trees would be saved.

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

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

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. 39/2007-08

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 Related to Protective Buffers along Major Roads

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 Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to provide a high level of fire service for its citizens.

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 23rd day of October 2007:

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

Noes: None

Absent or Excused: John Herrera

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO PROTECTIVE BUFFERS ALONG MAJOR ROADS." VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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**WATER SHORTAGE**

Alderman Gist asked that the town's OWASA representatives request the OWASA Board of Directors to ban all outdoor grass water until the draught is over.

Mayor Chilton stated that he and Mayor Foy would like to meet with the OWASA chair to discuss more drastic water conservation steps.

Alderman Broun asked for minutes from that meeting of the Mayors and OWASA chair.

Mike Brough suggested that the Board might wish to consider changing the town's water conservation ordinance.

Alderman Haven-O'Donnell stated that the OWASA website has excellent tips for water conservation.

Sharon Cook suggested that homeowner's associations be reminded to conserve water.

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MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 8:19 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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Mayor

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Town Clerk