

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, October 25, 2011 in the OWASA Community Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Interim Town Manager	C. Matthew Efird
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

REVEREND ROBERT CAMPBELL-WINMORE SUBDIVISION ISSUES

Rev. Campbell told the Board that a female tenant that, in the Winmore Subdivision, has received a letter of eviction that is effective October 31, 2011. He stated that she received this letter for speaking out against injustice. He stated that her children have been followed and photographed without permission, and barred from using the playground. He asked for mediation from the Board and that the issue be further examined. He feels that it is an issue directly related to the woman's ethnicity. He also stated that the management company is denying residents certain parking rights and asked that the Town look into this.

Alderman Coleman stated that he spoke with representatives from Community Home Trust and Justice United and that they are working on a community meeting to bring the parties together. He also stated that Justice United is in touch with the Justice Center to discuss the issues.

Mayor Chilton asked that the Board place it on the agenda for November 15th for discussion. He will also meet with the Winmore management company to discuss the eviction situation and the restrictions placed on the playground and parking facilities as they relate to the Griffin Landings at Winmore Conditional Use Permit and public right-of-ways.

Matt Efird, interim Town Manager, stated that he will ask Chief Hutchison to contact Rev. Campbell regarding the unauthorized photographing and following of children.

It was the consensus of the Board for this item to be included on the November 1, 2011 agenda as a status update, with the full staff report to be discussed on November 15, 2011.

STEVE DEAR-ANTI-LOITERING ORDINANCE

Steve Dear presented the Board with a petition calling for the repeal of the Anti-Loitering Ordinance on Jones Ferry and Davie Road. He stated that there was a press conference held that also spoke for the repeal. He asked the Board to vote to repeal the ordinance tonight. He stated that he will start having lunch at the intersection during his lunch hour and that if he is arrested, he will sue the Town.

Mayor Chilton and Aldermen Broun, Gist, and Haven-O'Donnell expressed concern with voting on the ordinance when it was not on the agenda and neighbors were not given a chance to speak.

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN COLEMAN TO REPEAL THE ANTI-LINGERING ORDINANCE. MOTION FAILED: VOTE: AYES THREE (COLEMAN, SLADE, LAVELLE), NOES FOUR (CHILTON, BROUN, GIST, HAVEN-O'DONNELL)

403 W. WEAVER STREET

Jeff Kleaveland, the Town's Planning/Zoning Development Specialist, was sworn in and made the presentation to the Board. He explained that the calculation for parking spaces includes the outdoor seating. The satellite parking areas will have timber edging and are designed to preserve the existing trees.

Alderman Broun asked when the Weaver Street project is scheduled for completion. George Seiz, the Town's Public Works Director, stated that March 7, 2012 is the estimated completion date for the Weaver Street project.

Mr. Jack Haggerty, the applicant, was sworn in and made a presentation to the Board. He showed pictures of the property and discussed the application. He explained that there is a possibility of the property becoming a law office. He explained that the road construction has tempered possible tenants' interest in the location and asked that the Board recall this if a permit extension is requested in the future. He stated that he feels that a 10 ft. sidewalk is excessive for that area and that if they are widened, all water meters would need to be relocated. He asked the Board to allow two parking spaces in the front of the building. He thanked Town staff for their help on the application. Current zoning allows for residential use without the approval of a CUP.

Alderman Slade asked why 10 ft. sidewalks were not being pursued during the Weaver Street Construction Project. Mayor Chilton and Alderman Broun explained that the Board directed staff to limit the scope of the project based on funding.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN THAT THE APPLICATION IS COMPLETE. VOTE AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN THAT THE PERMIT SHALL BE ISSUED SUBJECT TO CONDITIONS 1 – 6 ON THE STAFF RECOMMENDATION SHEET. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Coleman and seconded by Alderman Broun:

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT PROJECT FOR 403 W. WEAVER STREET ALLOWING FOR EXPANSION OF USES WITHIN THE EXISTING BUILDING

Resolution No. 38/2011-12

WHEREAS, the Town of Carrboro wishes to support business and commercial uses in the downtown; and

WHEREAS, Town Staff has determined that this request requires a Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Conditional Use Permits.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the 403 W. Weaver Street Conditional Use Permit authorizing the additions of uses 1.110, 1.200, 1.300, 1.400, 1.510, 2.110, 2.120, 2.130, 3.110, 3.120, 3.130, 3.105, 5.200, 5.310, 5.320,

5.400, 6.140, 8.100, 8.200, 19.100, 19.200, 19.300, 22.100 and 27.000 the existing building and site subject to the following conditions:

1. The evidence of the complete Joint Access easement and/or agreement is presented and approved prior to the CUP plans being stamped approved.

If the Board finds the applicant's justifications for the non-conforming-situations-to-remain and the parking deviation, acceptable, then the following additional conditions are recommended.

2. That the Board of Aldermen hereby finds that 24 parking spaces is sufficient to serve the development with the proposed addition(s) constructed, based on the applicant's statement regarding the site's proximity to bus lines, bicycle lanes and access, and downtown walkability. This finding is only in effect if and when the building addition(s) is (are) constructed, as parking for the development is otherwise covered under LUO Section 15-299.
3. If the building addition(s) is (are) constructed, then the permit holder must retain eighteen (18) off-site satellite parking spaces as an ongoing obligation of the permit, per LUO Section 15-298
4. That, due to the justification provided by the applicant regarding the site's limitations, the two parking spaces located in front of the building along Weaver Street be allowed to remain even though the property is located in the B-2 district which strives to locate parking areas behind buildings so they are not readily visible from the street.
5. That the 10' sidewalk width requirement of section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk should be allowed to remain.
6. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to eastern property line are waived based upon the applicant's screening justification letter.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 25th day of October 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

DUKE ENERGY RESOLUTOIN

The following resolution was introduced by Alderman Slade and seconded by Alderman Haven-O'Donnell:

Resolution Opposing Proposed Rate Increase by Duke Energy Carolinas Resolution No. 39/2011-12

Whereas, on July 1st 2011, Duke Energy Carolinas, LLC filed Docket No. E-7, Sub. 989 with the North Carolina Utilities Commission for a general rate increase to be effective February, 2012 to increase electric rates by approximately \$646 million, and;

Whereas, residential customers in Carrboro would see their electric bills go up by 18.6 percent if the request is approved, and;

Whereas, this is already after an 8% increase since January 2010, and this September's 5% increase in fuel charges – if approved the total since 2010 for residential rates would be over 30%

Whereas, Duke says it want another rate hike next year, and;

Whereas, both Duke and Progress plan to push for an annual rate hike bill next year to force customers to pre-pay for risky new nuclear plants that are not needed;

Whereas, the utilities business plans will easily double our utility bills

Whereas, many families living in manufactured homes routinely pay 100-200 monthly electric bills already

Whereas, the town of Carrboro will see our street lighting bill go up by 8.3% if the request is approved;

Whereas, Duke Energy is seeking to finance the construction of a new coal-burning power plant at Cliffside, North Carolina, by forcing rate-payers to take the financial risk;

Whereas, no lending institution would finance the construction of Cliffside or any other new coal-burning power plant because it is considered an unjustifiable risk,

Whereas, the residents of Carrboro are continuing to feel the effects of the prolonged downturn in the local, state and national economy;

Whereas, raising rates at this time would cost thousands of jobs throughout North Carolina as it would push many businesses and industries over the brink;

Whereas, there are many residents on a fixed or low income who are in no position to absorb such a significant rate increase, and;

Whereas, the timing and amount of this proposed rate increase is particularly burdensome and would place an undue hardship on the citizens of Carrboro;

Whereas, the Town of Carrboro has committed to taking responsibility, in a socially just manner, for its share of greenhouse gases in the atmosphere, and;

Whereas approximately 40% of North Carolina's greenhouse gases come from electricity;

Whereas, it would much better serve the public interest for the Utilities Commission to institute state energy policies to foster investment in efficiency and reductions in energy consumption than to force ratepayers to finance a risky, dirty and unneeded new coal-burning power plant;

NOW, THEREFORE, BE IT RESOLVED that the Board of Alderman is deeply opposed to the proposed rate increase as filed by Duke Energy Carolinas and strongly encourages the N.C. Utilities Commission to reject this increase.

BE IT FURTHER RESOLVED the Town of Carrboro petitions Orange County and our neighbors, the Town of Chapel Hill and the Town of Hillsborough, to join us in our request to the NC Utilities Commission.

BE IT FURTHER RESOLVED we request that the NC League of Municipalities and Triangle J Council take the position of opposing current and all future rate hikes that are for the purpose of building new nuclear capacity and for fossil fuel electric power generation.

BE IT FURTHER RESOLVED the Carrboro Economic and Community Development Department will notify Carrboro businesses about the proposed rate hikes and encourage businesses to speak at the upcoming Utility Commission hearings in Durham on November 2nd, 7pm or in Raleigh on November 28th, 1 pm.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 25th day of October 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun,
Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

MAIN STREET SEWER LINE REPAIR

Mr. Efird, Interim Town Manager, explained that Annette Stone, the Community and Economic Development Director, has worked with the affected Main Street property owners on almost a daily basis. However, there is a property owner objecting to allow the upstream property owners an easement to cross her property for the sewer lateral. He stated that there are two options to continue, the Town can work to try to acquire the easement or the Town can undertake extending a public sewer main on Roberson Street that would extend from Maple to Sweet Bay Place. Staff estimates to extend a sewer line down Roberson to Maple Street is approximately \$240,000. The other option to purchase and negotiate an easement is less costly but it is unknown if the objecting property owner would agree to that option. He has been working with the property owners to arrive at a fair value. OWASA will allow the replacement of what is there now but will not allow a new, non-conforming sewer lateral connection.

Annette Stone, the Town's Community and Economic Development Director, made a presentation to the Board showing current configurations of the sewer lines, proposed extensions, and proposed easement locations. She has been in contact with Orange County but no definite promise for monetary support has been obtained.

Mike Brough, the Town's attorney, explained the difficulty of acquiring the private portion of the sewer line easement. He stated that if it is obtained, and becomes a public line, OWASA will still require an 8" line and the current line is 6".

Mayor Chilton asked that staff look into OWASA's policy on allowing the Town of Chapel Hill to recoup funds expended on constructing a public sewer line to see if it is still applicable.

Alderman Haven-O'Donnell suggested that the ¼ cent sales tax, if passed, be used for this project.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN O'DONNELL FOR STAFF TO CONTINUE TO EXPLORE OPTIONS, PURSUE NEGOTIATIONS FOR AN EASEMENT, AND SEEK FUNDS FOR A PUBLIC SEWER OPTION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN BROUN TO ADJOURN THE MEETING AT 9:07 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk