

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 15, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Hilliard Caldwell
	Frances Shetley
	Judith Wegner
	Jay Bryan
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Tom Gurganus
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE MINUTES OF NOVEMBER 1, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENTS RESTRICTING DEVELOPMENT IN FLOODPLAINS

Ann Weeks, the town's senior planner, stated that in order to implement the 2000 Task Force Policy provisions and the Planning Board's Natural Constraints Policies, the staff had prepared amendments to the town's floodplain ordinance. The proposed amendments extend the current limitations on development in floodways to the full regulatory floodplain on streams where such floodplains are mapped and add protective buffers along streams with drainage areas less than one square mile in area. Ms. Weeks explained the proposed amendments.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance with the following changes:

- 1) That Subsection 5(b), "fifty (50) feet" be changed to sixty (60) feet".
- 2) That Subsection 5(d) be deleted.
- 3) That reference to Subsection 5(d) be deleted and that the ordinance be revised to reflect the selection of this subsection.

Ms. Lackey stated that the Planning Board also voted to request the Board of Aldermen direct the staff to initiate the process of having the town's floodplains remapped, including maps of areas upstream from the current mapping limits.

Joe Hakan, developer of the Willow Creek Shopping Center, spoke in favor of allowing exceptions to the ordinance provisions where reasonable use of a property would otherwise be prevented.

Pete Thorn, President of the Home Builders Association of Chapel Hill, stated that he had received a letter from the National Association of Home Builders stating several concerns with the proposed ordinance. Those concerns were:

- 1) The lack of a provision prohibiting development within the regulatory floodway that result in any increase in flood levels.

2) Section 15-254(j) does not provide that fill placed in floodplains may not increase the base flood elevation more than one foot.

3) The ordinance should specify the actual distance of the buffer strip along streams.

4) The lack of a provision to allow builders to cross a stream with a road to gain access to his property.

Jim Cole, co-owner of the Rocky Brook Trailer Park, requested that the Board include a provision in the proposed ordinance to allow replacement of existing mobile homes. Mr. Cole requested that the Board delay action on this ordinance until the Town Attorney has an opportunity to review the additional language.

Allen Spalt of 300 James Street, spoke in favor of the proposed amendments, but questioned whether the Board might consider amending allowable uses in the floodplain to prevent extensive runoff. Mr. Spalt also suggested that the ordinance be amended to allow for minor changes in existing lots in the floodplain as long as the changes do not have a material affect on the buildability of the lots in relation to the requirement of the ordinance.

P.H. Craig requested that action on the proposed amendments be delayed in order that his attorney might have a chance to review the amendments.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK.
VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY FRANCES SHETLEY THAT ACTION ON THE PROPOSED ORDINANCE BE DELAYED IN ORDER TO ALLOW THE TOWN STAFF TO REVIEW THE FOLLOWING MATTERS:

- a. Letter from National Association of Home Builders;
- b. Mobile home ordinance amendment request from Mr. Cole;
- c. Mr. Spalt's request to provide for a process to allow certain exempt subdivision modifications to occur; i.e., combination, re-combination of existing lots;
- d. Consistency of language re. mobile home park vs. mobile home community.

VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (WEGNER)

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT DEALING WITH PROTECTION OF LARGE TREES DURING THE DEVELOPMENT PROCESS

Ann Weeks, the town's senior planner, stated that the administration had prepared amendments to the Land Use Ordinance which strengthens the current provisions of the ordinance dealing with the retention of large trees in development and protection of large trees during construction. Ms. Weeks explained the proposed amendments.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance with the following changes:

- 1) The deletion of Section 6 of the proposed ordinance;
- 2) Deletion of the phrase "(or his successor)" under subsection 8(b);

3) Addition of the following language at the end of subsection 8(b): "...Arborists Association." Such replacement must take place within one year after the death or removal of the tree occurs, and this obligation shall be a continuing condition of the validity of the permit;

4) That the violation penalty language be reiterated.

Ms. Lackey stated that the Planning Board also requested that the Board of Aldermen consider the need for and feasibility of hiring and training an additional staff person or assigning a current staff person to monitor construction sites to ensure that the tree protection provisions are enforced. In addition, the Planning Board requested that the Board of Aldermen consider the creation of a tree endowment fund to be used to purchase trees for public property and to replace trees lost beyond the 4-year replacement period.

Pete Thorn stated that the definition of tree protection are vague and felt that the ordinance will raise the cost of new homes in town. Mr. Thorn questioned whether it would be practical to replace some trees with the same species, especially rare species. In addition, Mr. Thorn requested that the language insuring that tree protection measures are carried out be softened.

Dave Maner, District Manager of Duke Power, requested that the ordinance be amended to allow for flexibility in species replacement along roadways.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK.
VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN STAFF REVIEW THE FOLLOWING MATTERS:

1. Section 15-315 dealing with street tree planting requirements;
2. Types of security available for guaranteeing tree survival;
3. Further clarification of barrier requirements to be clearly associated with land disturbing activities;
4. Provision for flexibility in species replacement;
5. Additional language to provide that permit recipients shall take all reasonable efforts for ensuring that tree protection measures are carried out;
6. Provision to provide for certification by the town that the required tree protection perimeter has been properly located. (Enforcement of this provision will be the responsibility of the land use administrator or other person so designated by the Town Manager.)
7. Clarification of tree protection responsibilities;
8. Review of Section 15-316(c) to provide that modifications or adjustments made to the site plan at the permit application phase will not be considered as an unreasonable burden. (Provide a more affirmative requirement on how to determine "unreasonable".)
9. Further clarification on the Planning Board's recommended tree endowment fund.

VOTE: AFFIRMATIVE ALL

PERFORMANCE AGREEMENT WITH DOWNTOWN COMMISSION CORPORATION

James Harris, the town's special projects coordinator, stated that the administration recommended that the Town Manager be authorized to execute a Performance Agreement with the Downtown Commission Corporation if the Board of Aldermen decides to participate in the activities outlined in the Chapel Hill/Carrboro Downtown Commission's statement of goals for 1988-89.

Johanna Snyder, a member of the town's Downtown Development Commission, spoke against the proposed agreement. Ms. Snyder stated that she felt the Carrboro business people were unaware of the proposal and that they should be made aware of the matter before the Board agreed to enter into such an agreement.

Debbie Dibbert, co-director of the Chapel Hill/Carrboro Downtown Commission Corporation, stated that she felt the Commission would benefit the Carrboro business people and that they would assist potential business people in locating in Carrboro.

Alderman Bryan requested that the agreement be amended to add language that the Town of Chapel Hill and the Downtown Commission recognize the unique character and atmosphere of Carrboro and agree to respect that character and atmosphere and work toward the goals of preserving its small town character and buildings and enhancing the downtown streetscape.

Alderman Wegner requested that #8 under the Work Statement be amended to read: "The Commission will work with the Town of Carrboro property owners and downtown merchants in investigating alternatives for long-term financing for the Commission and for downtown improvements in Carrboro."

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN MANAGER BE AUTHORIZED TO EXECUTE THE SERVICE AGREEMENT, AS AMENDED BY ALDERMEN BRYAN AND WEGNER. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (SHETLEY)

BUDGET AMENDMENT

Larry Gibson, the town's Assistant Town Manager, stated that the administration recommended adoption of a budget amendment transferring monies from the Capital Reserve Fund to the General Fund providing funds for the street resurfacing project as well as the town's grant to the South Orange Rescue Squad for expansion of its facility.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'88-89 BUDGET ORDINANCE", BE ADOPTED. VOTE: AFFIRMATIVE ALL

COUNTY RESPONSE TO CARRBORO'S COMMENTS ON ORANGE COUNTY'S WATER AND SEWER POLICY

Ann Weeks, the town's senior planner, stated that Orange County prepared a draft water and sewer policy and solicited comments from municipalities and the public in June, 1988. The Town of Carrboro responded with a list of comments in July and the County issued a revised Water and Sewer Policy draft dated September 17, 1988.

Ms. Weeks stated that the town staff had prepared a memorandum and table discussing the town's comments and the County's response to them.

The following resolution was introduced by Alderman Judith Wegner and seconded by Alderman Randy Marshall.

A RESOLUTION REQUESTING THE ORANGE COUNTY BOARD OF
COMMISSIONERS TO DELAY ACTION REGARDING THE PROPOSED
ORANGE COUNTY WATER AND SEWER POLICY
DATED SEPTEMBER 17, 1988
Resolution No. 19/88-89

WHEREAS, the Carrboro Board of Aldermen appreciates the Orange County Commissioners taking the initiative to develop a water and sewer policy and circulating it to the Town of Carrboro for comments; and

WHEREAS, the Carrboro Board of Aldermen previously gave detailed comments on the proposed policy; and

WHEREAS, continuing efforts to coordinate planning and to develop water quality protection policies are of grave concern to all local jurisdictions.

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

Section 1. The Board of Aldermen hereby requests the Orange County Board of Commissioners defer action on the proposed Water and Sewer Policy draft dated September 17, 1988, until the following steps are taken:

- a. That there be a clear statement of the policy objectives sought to be attained.
- b. That there be consultation on and coordination of this policy's development with efforts undertaken in connection with the Orange/Chatham Cooperative planning discussions.
- c. That there be coordination with the upcoming report of the University Lake Watershed Study.
- d. That the Town of Carrboro requests an opportunity to discuss the proposed policy which should be provided either through the Assembly of Governments or through some other appropriate cooperative discussion.

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 15th day of November, 1988:

Ayes: Randy Marshall, Hilliard Caldwell, Eleanor Kinnaird,
Judith Wegner, Jay Bryan, Frances Shetley

Noes: None

Absent or Excused: Tom Gurganus

REQUESTS FOR PROPOSALS/COMMERCIAL DESIGN GUIDELINES

Helen Waldrop, the town's zoning administrator, stated that on September 13, 1988, the Board of Aldermen requested that the town staff prepare a Request for Proposals for commercial design guidelines for the central business district. Ms. Waldrop stated that the staff had prepared a request for proposals for the Board's review.

Alderman Bryan requested that the first three sentences of the second paragraph of the "Request for Proposals" be rewritten as follows: "The Town of Carrboro is soliciting proposals for

professional design services that will involve the creation of a set of Design Guidelines for Carrboro's Central Business District, including a historic district. These guidelines will offer concepts for the treatment of facades, handling of signs on structures and other architectural elements that are present or being proposed as a part of new construction or the renovation of existing structures. The guidelines should address such architectural elements, among others, as scale, proportion of building, massing of buildings, building compatibility, roofscapes, color, lighting, building materials and treatment of fenestrations." In addition, Alderman Bryan requested that #3 of the proposal be rewritten as follows: "Consideration of pedestrian and vehicular access and design of parking facilities for the Central Business District."

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE "REQUEST FOR PROPOSALS" BE APPROVED, AS AMENDED BY ALDERMAN BRYAN. VOTE: AFFIRMATIVE ALL

RESOLUTION SUPPORTING OWASA'S REQUEST FOR ALLOCATION OF WATER FROM JORDAN LAKE

The Orange Water & Sewer Authority requested the Board of Aldermen consider adoption of a resolution, which supports OWASA's request for an allocation of water from B. Everett Jordan Lake.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION SUPPORTING THE ALLOCATION OF WATER
FROM B. EVERETT JORDAN LAKE
AND REQUESTING A 10 MGD ALLOCATION TO
THE ORANGE WATER AND SEWER AUTHORITY
Resolution No. 16/88-89

WHEREAS, the North Carolina Environmental Management Commission on October 9, 1986 determined that the waters of the B. Everett Jordan Lake are suitable for withdrawal for potable uses; and

WHEREAS, the Environmental Management Commission has adopted criteria to be used in making assignments of water withdrawals from the B. Everett Jordan Lake; and

WHEREAS, the Division of Water Resources of the N.C. Department of Natural Resources and Community Development has made proposals for Level I and Level II allocations under the initial allocation procedures established by the Environmental Management Commission; and

WHEREAS, water service is provided by the Orange Water and Sewer Authority (OWASA) to the Towns of Carrboro and Chapel Hill, the University of North Carolina at Chapel Hill, North Carolina Memorial Hospital, and surrounding contiguous areas; and

WHEREAS, OWASA has presented documents to the Division of Water Resources showing a 19 MGD allocation is needed to meet high growth projections of its service area and at least a 10 MGD allocation is needed to meet normal growth projections of its service area.

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

Section 1. The Board supports the allocation request made by OWASA and requests that a minimum Level II allocation of 10

MGD be made to OWASA by the Environmental Management Commission in this initial allocation procedure.

Section 2. The Board urges the Environmental Management Commission to also make allocations to other applicants responsive to their respective requests in order that water resource planning, development and construction can move ahead in the region in a systematic and reliable manner.

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 15th day of November, 1988:

Ayes: Randy Marshall, Hilliard Caldwell, Eleanor Kinnaird, Judith Wegner, Jay Bryan, Frances Shetley

Noes: None

Absent or Excused: Tom Gurganus

FREEZE ON MAJOR EXPENDITURES IN PUBLIC WORKS DEPARTMENT

Mr. Morgan informed the Board that a freeze had been placed on major expenditures in the Public Works Department due to cost overruns in landfill charges.

Alderman Marshall requested that the town staff prepare a memo setting out the projects that have been placed on hold due to the freeze.

EXECUTIVE SESSION

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS ACQUISITION OF PROPERTY. VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

Eleanor J. Kinnaird
Mayor