

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 8, 1991 at 7:30 p.m. in the Town Hall Board Room. 179

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Jacquelyn Gist
	Jay Bryan
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF OCTOBER 1, 1991 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATIONS ISSUED

Mayor Kinnaird issued proclamations proclaiming the week of October 6-12, 1991 as Fire Prevention Week and Community Health Center Week, and October 24, 1991 as United Nations Day in the Town of Carrboro.

CHARGES ISSUED

The Town Clerk issued charges to Giles Blunden, a recent appointee to the Appearance Commission/Neighborhood Preservation District Commission, and to William Harrar, a recent appointee to the Cable T.V. Committee.

IMPROVEMENTS TO JAMES STREET

Charles Finley, representing the Plantation Acres Subdivision, requested that the Board of Aldermen consider the improvements that will be made to James Street prior to the public hearing on the conditional use permit for the post office, and that the neighborhood surrounding the proposed site of the post office be notified of these proposed improvements by October 24, 1991.

Roy Williford, Planning Director, stated that he had received preliminary cost estimates for improvements to James Street and that the town staff could provide a sketch of the proposed realignment of Lorraine Street to the Board at its meeting scheduled for October 22, 1991.

It was the consensus of the Board to request that the town staff provide a sketch of the proposed improvements to the Board at its meeting on October 22, 1991.

RESOLUTION CONCERNING PROPOSED STATE-WIDE REGULATIONS FOR PROTECTING WATER SUPPLY WATERSHEDS

Julia Trevarthen, the town's Senior Planner, explained the State watershed protection rules adopted in 1990 as they would apply to Carrboro's planning jurisdiction and additional State regulatory proposals and issues under consideration by the N.C. Division of Environmental Management. Ms. Trevarthen presented a proposed resolution conveying Carrboro's comments for submittal to the Environmental Management Commission for the Board's consideration.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION SUBMITTING COMMENTS TO THE NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING STATE CLASSIFICATION AND PROTECTION OF WATER SUPPLY WATERSHEDS
Resolution No. 13/91-92

WHEREAS, water supply watersheds are a source of public drinking water and should be protected to benefit the public health safety, and welfare.

WHEREAS, surface water supplies can best be protected and water quality enhanced by establishing a state-wide cooperative program of water supply protection.

WHEREAS, in May 1990, Carrboro, working with Orange County and Chapel Hill, adopted a water supply watershed protection program for University Lake which was based upon a study commissioned by the Orange Water and Sewer Authority and produced by the consulting firm Camp, Dresser, and McKee.

WHEREAS, Carrboro strongly supports the objectives of the proposed and adopted regulations including the structure of four classifications for water supply watershed protection, because source protection is the safest way to protect water quality and thereby to address the associated public health concerns.

NOW, THEREFORE, BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

Section 1. The Board commends the North Carolina Environmental Management Commission and the Division of Environmental Management for their careful work in considering and adopting water supply protection regulations including particularly the limits on impervious surface and density of residential development as minimum standards on a State-wide basis.

Section 2. The Board supports the proposed WS-II classification for the University Lake and Cane Creek watersheds as the minimum classification appropriate for these high quality watersheds with very limited development.

In addition, the Board supports the designation of the University Lake watershed as a critical water supply watershed based upon the 1989 Camp, Dresser, and McKee University Lake Watershed Study and the more stringent watershed protection programs adopted by both Carrboro and Orange County in 1990. EMC designation of University Lake as a Critical Watershed will help to ensure that the currently strong University Lake protection program is protected from future actions that might weaken it.

Section 3. Concerning the issue of defining existing development, the Board recommends that the adopted standards for watershed protection be fully applied to new development in already zoned areas. If zoned areas are to be treated as a type of existing development, then present state statutes on vested zoning rights should be reflected in the regulations. Furthermore, if existing zoned areas are grandfathered, state regulations should explicitly state the intent that existing zoning would only identify categories of permissible land use while standards for density of development would fully apply.

Development applications submitted after adoption of the Commission's classification of watersheds and revisions to the regulations should comply with the adopted standards as of the earliest possible effective date in order to avoid a rush of development applications to avoid the new standards.

Section 4. The Board strongly supports retaining the adopted 1 mile or to the ridge line minimum standards for critical watershed areas. Travel times in areas with slopes in excess of 1 to 2 percent combined with stormwater velocity, stormwater flows in many watersheds will carry pollutants from distances which may exceed 1 to 5 miles.

Section 5. The Board supports restrictions on extending public sewer service in WS-I and WS-II watersheds, except to remedy a public health emergency not otherwise correctable such as (but not limited to) a failing septic system or failing package treatment plant as determined by the appropriate county, state, or federal agency.

Section 6. The Board believes the proposals concerning agricultural regulation are a step in the right direction; however, we encourage further research and discussion between DEM staff and agricultural interests to achieve practical, workable improvements in standards and in the impact of agricultural runoff on water supplies. The Board still believes that agricultural and forestry operations within watersheds must be subject to the same controls as other sources of pollution. Stormwater controls, restrictions on the use of toxics, including pesticides, and animal waste controls should be required; there should be no new or expanded farming operations within water supply watersheds. In addition, the Board urges the Division of Environmental Management to seek appropriations from the General Assembly so that local governments might assist local farmers in planning and enforcing these standards.

Section 7. The Board believes that requiring NCDOT to use best management practices for highway projects is a step in the right direction; however, rules addressing fertilizer, pesticide, and herbicide controls should be developed as well. The Board supports prohibiting new roads and expansion of existing roads and highways at least in WS-I and WS-II watershed critical areas, or requiring EMC consideration and approval for such roads where there is no practical alternative.

Section 8. The Board believes that state rules are still unclear as to whether a sliding scale for allowable impervious surface, based upon lot size, would be an acceptable alternative to a straight percentage restriction. This sliding scale is an integral part of Carrboro's watershed protection ordinance for University Lake. The Board recommends that flexibility be allowed for such a sliding scale if it accomplishes the goals of the rules.

Section 9. In the matter of exemptions of non-conforming uses, the Board agrees that some sort of exemption process is needed; however, petitioning the EMC for each and every minor exemption will pose an administrative burden for the EMC, create backlogs of requests, and prove cumbersome for local governments. Local governments should be given the authority to make minor exemptions based on criteria adopted by the EMC. Local governments should be required to notify other potential interested local governments and provide an appeal procedure. The EMC should retain complete authority over major exemptions.

Therefore, the Board recommends that Section .0104(1) be revised as follows: (changes are underlined)

.0104(1) Exemptions may be allowed by the Commission on a case-by-case basis for occurrences of non-conforming uses prior to reclassification in order to obtain a higher classification or by the Commission at the request of local government on a case-by-case basis after reclassification. Local governments may allow minor exemptions to the specific standards contained herein based upon criteria approved by the EMC. The exemption criteria shall include all, but not be limited to, the following: 1) the rules will cause a practical hardship on the property; 2) the condition is peculiar to the property; 3) the condition could not have been foreseen by the EMC in adopting these rules; and 4) the proposed exemption continues to meet the spirit, purpose, and intent of these rules. When an exemption is proposed, the local government shall notify and allow a reasonable comment period for users of the water supply and other jurisdictions within the watershed area governed by these rules. Persons may appeal the exemption decisions to the EMC.

Section 10. The Board reiterates their comments submitted to the EMC in 1990 concerning the originally proposed statewide watershed regulations. A copy of those comments is attached.

Section 11. The Board authorizes submittal of this resolution to the North Carolina Environmental Management Commission as comment upon the Commission's August 15, 1991 public hearing.

Section 12. 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 8th day of October, 1991:

AYES: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

NOES: None

ABSENT/EXCUSED: None

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT ALDERMAN GIST BE EXCUSED FROM THE MEETING DUE TO ILLNESS. VOTE: AFFIRMATIVE ALL

ANNEXATION COST AND REVENUE ANALYSIS REPORT/WEXFORD SUBDIVISION

Roy Williford, Planning Director, presented a report on the revenues and costs associated with the voluntary annexation of the Wexford Subdivision for the Board's information.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN STAFF CONTINUE TO REFINE THE PROCESS FOR PROVIDING COST/REVENUE ANALYSES AS PART OF THE VOLUNTARY ANNEXATION PROCEDURE. VOTE: AFFIRMATIVE ALL

ADDITIONAL INFORMATION REGARDING THE PROPOSAL TO ESTABLISH AN ANNEXATION BOUNDARY

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT ACTION ON THIS ITEM BE DELAYED UNTIL FOLLOWING THE NOVEMBER, 1991 ELECTION. VOTE: AFFIRMATIVE ALL

OAK AVENUE EXTENSION

Roy Williford presented a report on address problems associated with street extensions. In order to resolve the address problems on Oak Avenue and Oak Avenue Extension, Mr. Williford recommended that the Board change the address of the Oakwood Apartments since they are the only residential units that use Oak Avenue Extension as their address. The new address for the apartments would be 605 Oak Avenue. Mr. Williford stated that the Planning Department would do the re-addressing and would notify the owner, renters and all the utilities and post office.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE ADDRESS OF OAKWOOD APARTMENTS BE CHANGED TO 605 OAK AVENUE AND THAT THE TOWN STAFF NOTIFY THE OWNER, RENTERS AND ALL UTILITIES AND THE POST OFFICE OF THE ADDRESS CHANGE. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request that the town staff prepare a report on how extensions can be deleted from all other streets in town.

STATUS REPORT ON VOLUNTARY ANNEXATION OF "DOUGHNUT HOLE" AREAS

Roy Williford, the town's Planning Director, presented a status report on the voluntary annexation of "doughnut hole" areas. Mr. Williford stated that letters were sent to the property owners whose property is unincorporated but that are encircled by the town's corporate area in July, 1991 inviting them to seek voluntary annexation of their properties. To date, no petitions for annexation have been received as a result of this invitation. Several property owners did however express their concern to the town that they did live in town even though they did have adjacent property outside of town. Letters were sent to all property owners with this situation explaining the town's error and apologizing for the mistake.

Alderman Shetley requested to be excused from voting on this matter due to a possible conflict of interest.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT ALDERMAN SHETLEY BE EXCUSED FROM VOTING ON THIS ISSUE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE TOWN SEEK SPECIAL LEGISLATION IN JANUARY, 1992 TO BRING THESE PROPERTIES INTO THE CORPORATE LIMITS IF ANNEXATION PETITIONS ARE NOT SUBMITTED, AND THAT A PUBLIC HEARING BE HELD PRIOR TO SEEKING THE SPECIAL LEGISLATION. VOTE: AFFIRMATIVE THREE, NEGATIVE TWO (BRYAN, CALDWELL)

DISCUSSION OF CHARGE FOR CITIZEN COMMITTEE(S) TO REVIEW PUBLIC WORKS AND PUBLIC SAFETY ISSUES

At the request of Alderman Gist, the Board delayed discussion of this matter until a later date.

CANCELLATION OF OCTOBER 15TH BOARD OF ALDERMEN MEETING

Due to the fact that the Post Office has not yet completed its plans for a conditional use permit which was scheduled for public hearing on October 15th, the administration recommended that the October 15, 1991 meeting of the Board of Aldermen be canceled.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE OCTOBER 15, 1991 MEETING OF THE BOARD OF ALDERMEN BE CANCELED. VOTE: AFFIRMATIVE ALL

ANIMAL CONTROL ORDINANCE

The Town Attorney informed the Board that he would try to have the revised animal control ordinance drafted by the end of October, 1991.

PROCEDURES FOR CLOSING PUBLIC HEARINGS ON CONDITIONAL USE PERMITS

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE TOWN ATTORNEY'S SUGGESTION THAT INSTEAD OF CLOSING A PUBLIC HEARING AFTER ALL SPEAKERS WHO WISH TO ADDRESS THE BOARD HAVE BEEN HEARD, THAT THE MAYOR WOULD ANNOUNCE THAT THE BOARD WOULD THEN BEGIN ITS DISCUSSION OF THE MATTER AND THAT NO FURTHER PUBLIC COMMENTS WOULD BE TAKEN EXCEPT IN RESPONSE TO SPECIFIC QUESTIONS FROM THE MEMBERS OF THE BOARD OF ALDERMEN. VOTE: AFFIRMATIVE ALL

SPEEDING ON PINE STREET

Alderman Gurganus requested that the town staff prepare a report on speeding on Pine Street.

UPDATE ON STATE STREET PROJECT

Alderman Marshall requested a status report on this project.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED AT 11:00 P.M. VOTE: AFFIRMATIVE ALL

Sarah C. Williamson
Town Clerk

Richard J. Howard
Mayor