

243

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 10, 1992 at 7:30 p.m. in the Town Hall Board Room.

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 JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE REVISED MINUTES OF MARCH 3, 1992 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATIONS ISSUED

Mayor Pro Tem Caldwell read a proclamation proclaiming March 20, 1992 as Arbor Day in the Town of Carrboro. Alderman Gist read a proclamation proclaiming the month of March, 1992 as Mental Retardation Awareness Month in the Town of Carrboro. Mayor Kinnaird read a proclamation proclaiming March 16, 1992 as Freedom of Information Day in the Town of Carrboro.

CHARGES ISSUED

The Town Clerk issued "charges" to Deanna Richey, a recent appointee to the Human Services Commission; to M.C. Russell, a recent appointee to the Planning Board; to John Van Fleet, a recent appointee to the Appearance Commission/Neighborhood Preservation District Commission; to Joe Richmond, a recent appointee to the Transportation Advisory Board; and to Sherri Ontjes, a recent appointee to the Downtown Development Commission.

PUBLIC HEARING/BICYCLE ORDINANCE

This was a public hearing to receive citizen comments on a proposed bicycle ordinance for the town.

Alex Zaffron, Chair of the Transportation Advisory Board, presented the proposed bicycle ordinance to the Board of Aldermen.

Sarah Burdick stated that the TAB's main reason for allowing bicyclists to ride on sidewalks was to allow small children to ride their bikes on sidewalks going to school.

Paula Kirkendall stated that a bicyclist had run into her on East Main Street on February 7th when she was trying to cross the street. Ms Kirkendall stated that the bicyclist had not braked or tried to avoid her. In addition, Ms. Kirkendall requested that the town consider installing additional crosswalks throughout the town.

David Perry stated that he feels North Carolina laws are sufficient to regulate bicyclists and would like to see those laws enforced. Mr. Perry thanked the Board for the bikeways throughout town and suggested that a bicycle education program be initiated.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ADDING A NEW ARTICLE DEALING WITH BICYCLES TO CHAPTER SIX OF THE CARRBORO TOWN CODE," BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (GURGANUS, KINNAIRD, SHETLEY)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE TAB RELOOK AT BICYCLES RIDING ON SIDEWALKS AND INCLUDING SPECIFIC PENALTIES FOR CARELESS AND RECKLESS BIKING. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (KINNAIRD, GIST, BRYAN)

TRANSPORTATION ADVISORY BOARD'S RECOMMENDATIONS FOR BUS SERVICE

Alex Zaffron, chair of the Transportation Advisory Board stated that the TAB recommended that the existing level of transit service be maintained, if at all possible, next year.

Sarah Burdick, the town's Transportation Planner, explained the reasons for the anticipated \$85,000 shortfall in revenues for the bus service for next year.

The following resolution was introduced by Alderman Frances Shetley and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION AUTHORIZING THE TOWN MANAGER AND THE MAYOR
TO SEEK RELIEF WITH THE STATE DELEGATION AS WELL AS
CARRBORO'S UNITED STATES SENATORS AND REPRESENTATIVES
FROM THE IMPENDING FINANCIAL CRISES FACING THE
TRANSIT SYSTEMS OF DURHAM AND CHAPEL HILL/CARRBORO**
Resolution No. 39/91-92

WHEREAS, the Durham Urbanized Area is unique in that there are two major municipal transit systems operating in what is designated by the Census Bureau as one urbanized area; and

WHEREAS, the 1990 Census designated the Durham-Chapel Hill-Carrboro Urban Area as an urbanized area with over 200,000 in population; and

WHEREAS, this designation reclassified the cities of Durham-Chapel Hill-Carrboro as a Direct Apportionment city for operating funds from its previous designation as a Governor's Apportionment city, and;

WHEREAS, the apportionment for fiscal year 1992 is based on fiscal year 1990 Section 15 data, which does not include any revenue vehicle miles for Durham, since the city did not operate the system in fiscal year 1990, and as a result the two transit systems in the area will receive a direct apportionment that will be significantly less than what was received through the Governor's Apportionment; and

WHEREAS, the lack of complete data from the Durham Transit System will also affect the apportionment for fiscal year 1993; and

WHEREAS, this unfortunate set of circumstances has resulted in the urban area receiving less than its fair share of transit operating funds for fiscal year 1992;

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

Section 1. The Board of Aldermen authorize the Mayor and the Town Manager to seek relief with the State delegation as well as US Senators and Representatives from the impending financial crises.

Section 2. The Board of Aldermen authorize the Mayor and the Town Manager to coordinate efforts with the Chapel Hill Mayor and Town Manager, to request that the Federal Transit Administration increase the Fiscal Year 1992 and 1993 Section 9 Apportionment to the Durham-Chapel Hill-Carrboro urbanized area to reflect bus revenue vehicle miles operated by the Durham transit system.

Section 3. The Board of Aldermen authorize the Mayor and the Town Manager to request that the Governor review the policy for Governor's Allocation cities and adopt a policy of re-allocating any surplus Section 9 funds from the Governor's Allocation cities to the Durham-Chapel Hill-Carrboro Urbanized Area.

Section 4. This resolution will become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 10th day of March, 1992:

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

NOES: None

ABSENT/EXCUSED: None

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE TOWN STAFF BRING BACK TO THE BOARD OF ALDERMEN OPTIONS TO OFFSET THE REVENUE

SHORT-FALL FOR BUS SERVICE FOR 1992-93, NOT TO INCLUDE PROPERTY TAX INCREASES. VOTE: AFFIRMATIVE ALL

FOLLOW-UP REPORT ON REQUEST TO REZONE 104 LAUREL AVENUE AND POSSIBLY OTHER PROPERTIES ALONG THE WEST SIDE OF LAUREL AVENUE

Julia Trevarthen, the town's Senior Planner, presented a follow-up report on the rezoning request submitted by Margaret Davis to rezone her property located at 104 Laurel Avenue from R-7.5 to B-2 in addition to the possible rezoning of the remaining properties along the west side of Laurel Avenue south of Town Hall and north of Jones Ferry Road. Ms. Trevarthen stated that the Planning Department had received only two phone calls to date commenting on the proposed rezonings--one call in favor and one against. In addition, the owner of 102 Laurel Avenue has indicated that she would like for her property to be included in the proposed rezoning should the Board choose to proceed with the rezoning process.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SET FOR APRIL 14, 1992 TO CONSIDER REZONING ALL OF THE PROPERTIES LOCATED ALONG THE WEST SIDE OF LAUREL AVENUE SOUTH OF TOWN HALL AND NORTH OF JONES FERRY ROAD FROM R-7.5 TO B-2. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

[Alderman Marshall left the meeting due to illness.]

DESIGN GUIDELINES FOR DOWNTOWN BUSINESS DISTRICT

This was a worksession to consider the design guidelines for the downtown business district.

James Harris, the town's Community and Economic Development Officer, presented the amendments offered by the Planning Board, Transportation Advisory Board, Appearance Commission, and Alderman Bryan.

The Board of Aldermen discussed the proposed amendments and offered some minor amendments.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE DESIGN GUIDELINES FOR THE DOWNTOWN BUSINESS DISTRICT BE ADOPTED WITH THE CHANGES OUTLINED IN THE COMMENTS BY THE PLANNING BOARD, TAB, APPEARANCE COMMISSION AND ALDERMAN BRYAN, AS AMENDED. IN ADDITION, THAT THE ISSUES OF BUILDING HEIGHTS AND INFILL DEVELOPMENT BE REFERRED TO THE APPEARANCE COMMISSION FOR FURTHER STUDY, AND THAT THE DOWNTOWN DEVELOPMENT COMMISSION BE REQUESTED TO COMMENT ON THE RESULTS OF THE APPEARANCE COMMISSION'S STUDY. VOTE: AFFIRMATIVE ALL

JOINT PLANNING PUBLIC HEARING DATES FOR 1992

The administration recommended that the Board of Aldermen select April 8 or 15, 1992 and October 14 or 21, 1992 as the possible dates for the 1992 Joint Public Hearing dates.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE PROPOSED DATES BE ACCEPTED. VOTE: AFFIRMATIVE ALL

ORDINANCE PREVENTING SMOKING IN PUBLIC PLACES

Alderman Marshall requested that the Board consider adopting an ordinance preventing smoking in public places. Alderman Gurganus requested an opportunity to review the proposed ordinance before proceeding further with such an ordinance.

BOLIN CREEK SEWER MORATORIUM

It was the consensus of the Board to request that the town's representatives on the OWASA Board present a report to the Board on the moratorium.

APPOINTMENT TO PLANNING BOARD

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT JOHN RINTOUL BE ALLOWED TO REMAIN ON THE HUMAN SERVICES COMMISSION UNTIL HIS TERM EXPIRES IN FEBRUARY, 1994, IN ADDITION TO SERVING ON THE PLANNING BOARD.
VOTE: AFFIRMATIVE ALL

VANDALISM AT WILSON PARK

Alderman Bryan stated that he had been contacted about vandalism which was taking place at Wilson Park and requested a report on this matter.

USE OF RAILROAD TRACK AS A MECHANISM TO ACCESS OTHER AREAS

Alderman Bryan requested a status report on the use of the railroad track to serve as a possible mechanism to access other areas and suggested that this matter might be referred to the Triangle Transit Authority.

RESIGNATION OF BILL ADERHOLT AS AN OWASA REPRESENTATIVE

It was the consensus of the Board to request that this position be advertised.

PLACEMENT OF BOARD OF ALDERMEN'S AGENDA ON COMMUNITY BULLETIN BOARD CHANNEL

Alderman Gurganus requested that the town staff request that CVI place in writing to the town the procedure to be followed in having the Board of Aldermen's agenda placed on its community bulletin board channel.

NOTIFICATION TO PROPERTY OWNERS ON WEATHERHILL POINTE CUP MODIFICATION

Mayor Kinnaird stated that Joel Sharer had informed her that he had not been notified of the recent CUP modification request to change the building envelopes for Weatherhill Pointe and that he had been against the modification. Mayor Kinnaird requested a report on whether adjoining property owners had been notified of the cup modification.

LEADERSHIP-BASED BUDGET

Alderman Shetley requested that the town staff prepare a statement which could be read prior to future discussion of the leadership-based budget model informing citizen of process involved in this budgeting model.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE BOARD ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

Janet C. Williamson
Town Clerk

Dean Kinnaird
Mayor