

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 23, 1992 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Hilliard Caldwell (arrived at 8:30 pm)
	Randy Marshall
	Tom Gurganus
	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 TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF JUNE 16, 1992 BE APPROVED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CALDWELL)

CHARGE ISSUED

The Town Clerk issued a "charge" to Ruth Stroud, a recent appointee to the Parks & Recreation Commission.

PRESENTATION BY SISTER CITY DELEGATION

Dirk Spruit, a member of the Soviet Sister Cities delegation, presented the town with a video tape of the recent visit by Mayor Kinnaird to Saratov, Russia along with a flag.

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/RIDGEHAVEN SUBDIVISION

Helen Waldrop, the town's Zoning Administrator, was sworn in. Ms. Waldrop stated that Gary Buck had applied for a conditional use permit that would allow the construction of 45 townhouses on 10.37 acres at 101 Rock Haven Drive. The parcel is identified as Tax Map 122, Block A, Lot 5E and is zoned R-10. Ms. Waldrop presented slides showing the existing road and the site plan and answered questions from the Board of Aldermen concerning the proposed project.

Roy Williford, the town's Planning Director, was sworn in. Mr. Williford answered questions from the Board concerning the direction of the stream flow from this property.

Bill McKenzie, Chair of the Appearance Commission, was sworn in. Mr. McKenzie stated that the Appearance Commission recommended approval of the conditional use permit with the following conditions:

1. In order to maintain the traditional order represented in the facade that all party walls be either 90 degrees or parallel to each other throughout the whole subdivision;
2. The double use sediment basin is a good idea in order to save extra trees. That before the last certificate of occupancy and compliance is issued the gravel construction easement be landscaped to match the natural existing screen; and
3. The Appearance Commission likes the type of detail in the facade as presented. The Appearance Commission wishes for the applicant to present a drawing with actual specific detail. That drawing will be presented to the Aldermen for approval if the presented plans do not represent the actual elevation.

Mike Brough informed the Board that the plans presented by the applicant showing the buildings are the plans that will have to be constructed until the applicant comes back before the Board of Aldermen to request a modification.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the TAB recommended approval of the conditional use permit with the following conditions:

1. That applicant should reduce the number of total parking spaces to allow for a total of 6 handicapped spaces;
2. That wheelchair accessible curb cuts be included on the final set of site plans, including at least one curb cut in front of each of the 7 buildings. Also include curb cuts at the sidewalk's intersection with the main entrance, at the mailboxes and t other locations as appropriate;
3. That a bus pull-off be constructed on the south side of Rock Haven Drive adjacent to the entrance to the development;
4. That the road be named in a way to avoid any confusion with other turnoffs on Rock Haven Road;
5. Having Rock Haven Road dedicated as a public or preferably, a North Carolina Department of Transportation road; and
6. That the applicant's recommendation for the construction road and relocation of the sediment basin be endorsed.

Phil Post, representing the developer, was sworn in. Mr. Post stated that the developer accepted all the conditions being recommended with the exception of two. Mr. Post stated that they would not be able to realign the buildings as required by the Appearance Commission because it would cause grading too close to the stream. Mr. Post stated that they feel the second bus pull off on the south side of Rock Haven Drive is redundant since there is an existing pull off on the north side of Rock Haven Drive.

Gary Buck, the developer, was sworn in. Mr. Buck stated that there will be 14 single-story units which will be accessible to handicap individuals and that if handicap individuals request units be made handicap accessible if so requested during construction of the units.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant should reduce the number of total parking spaces to allow for a total of six (6) handicapped spaces.
2. That wheelchair accessible curb cuts be included on the final set of site plans, including at least one (1) curb cut in front on each of the seven (7) buildings. In addition, curb cuts should be placed at the sidewalk's intersection with the main entrance and at the mailboxes and at other locations as appropriate.
3. That the road be named in a way to avoid any confusion with other turn-offs on Rock Haven Road.
4. The Transportation Advisory Board is strongly in favor of having Rock Haven Road dedicated as a public or preferably a DOT road. They also endorse the applicant's recommendation for the construction road and relocation of the sedimentation basin.
5. The double use of the sediment basins is a good idea in order to save extra trees. That before the last certificate of occupancy and compliance is issued, the gravel construction easement be landscaped to match the natural existing screen.
6. That the Appearance Commission likes the type of detail in the facade as presented. The Appearance Commission wishes for the applicant to present a drawing with actual specific detail. That drawing will be presented to the Aldermen for approval if the presented plans do not represent the actual elevation.

7. That the applicant be required to submit a petition for annexation prior to construction plan approval and the annexation occur prior to issuance of certificates of occupancy or sale of any units.
8. That streets be shown as private on the plan sheets and on the final plat.
9. That prior to construction plan approval, an erosion control plan be submitted to and approved by Orange County.
10. That the modified west "construction entranceway" be permitted in an effort to save trees.
11. Once construction is completed and the modified construction entranceway is no longer needed, the construction entranceway should be reseeded and trees should be planted to insure that the construction entranceway will not be used as a parking area.
12. That a sign be placed at the entrance to the development indicating that the road is private and will be maintained by the property owners.
13. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
14. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CATES FARM SUBDIVISION

Helen Waldrop, the town's Zoning Administration, was sworn in. Ms. Waldrop stated that Ann Justice, Executrix for the Estate of Mary Danziger, had applied for a conditional use permit that would allow the subdivision of 48.49 acres into 72 single-family lots. The parcel is identified as Tax Map 108, Lot 7 and is zoned R-20. Ms. Waldrop presented slides of the existing site along with the site plan for the proposed development.

Roy Williford, the town's Planning Director, was sworn in. Mr. Williford stated that engineers who come in are given the stormwater models to use as a guides to prepare stormwater drainage systems for local projects.

Bill McKenzie, Chair of the Appearance Commission, was sworn in. Mr. McKenzie stated that the Appearance Commission recommended approval of the conditional use permit with the following conditions:

1. That the bridge on Cates Farm Road have concrete head walls that are not more than 45 feet apart to accommodate all surface facilities and lessen the impact on the stream;
2. That Lot 57 be reconfigured to not impact the trees on this lot due to a limited location for the house. That is, if the trees are deemed worth saving;
3. That the open space extend to Pathway Drive behind lots 50, 51 and 52 and cut between lots 54 and 55 in order to extend approximately a 10' wide path to more easily access the open space from Pathway Drive; and
4. That the grave site be placed in the right-of-way, with right-of-way extending at least 5' from the sides and the rear of the stone and then to the street. That the site be protected during construction with a wooden "tree protection style" fence, like the tree protection fence on sheet .02. After construction the site should be fenced and marked with a historic marker.

Chris Peterson, the town's Public Works Director, was sworn in. Mr. Peterson commented on the use of the concrete head walls at the bridge.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the TAB recommended approval of the conditional use permit with the following conditions, addition to the staff recommended conditions:

1. That the extension of Old Mill Court be reiterated to extend to the north to the property line, and that the signage showing possible continuation of the road be shown at the property line; and
2. That all construction traffic be required to use the Hillsborough Road entrance.

Tom Whisenant and Mike Hughes was sworn in. Mr. Whisenant stated that notices were sent to surrounding neighbors announcing tonight's public hearing. Feels that all neighborhoods should be connected. Spoke against the 20' buffer adjoining Riffel Woods, but will work with individuals on this matter. Spoke against public access behind lots adjoining the open space because it would encourage crime. And, spoke against placing the grave site in the right-of-way, but instead place a fence around it.

Mr. Hughes spoke against the concrete bridge and suggested that this be resolved at the time construction drawings are presented.

Paul Fiorentino, a resident of 1224 Hillsborough Road, was sworn in. Mr. Fiorentino stated that he was concerned with the drainage onto his property from the proposed development and requested that a buffer be left between the proposed development and his property.

Mark O'Connell, a resident of 6 Riffel Woods, was sworn in. Mr. O'Connell stated that he was concerned that the land in the proposed development be clear cut to the adjoining property lines and urged the Board to include a 20-foot buffer between this development and Riffel Woods.

Joe StJean, a resident of 7 Riffel Woods, was sworn in. Mr. StJean spoke in favor of the 20-foot buffer.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the grave site be protected during construction with a wooden "tree protection style" fence, like the tree protection fence on sheet 0-2.
4. That Old Mill Court be extended to the north to the property line and that the signage show possible continuation of the road be shown at the property line and that the cul-de-sac appearance be removed.
5. That all construction traffic be required to use the Hillsborough Road entrance.
6. That all off-site drainage easements be acquired prior to construction plan approval.
7. That bikelanes be marked when the roads are built.
8. That the bridge on Cates Farm Road be constructed to prevent runoff but protect the natural area around the stream and minimize the impact of traffic on the stream.
9. That the survey of trees, as required by the Ordinance, be field verified prior to construction plan approval by the recipient; that prior to issuance of building permits trees on individual lots be located and retained; and that an attempt be made to locate the

structure on Lot 57 so as not to impact the trees so long as the trees are deemed worth saving.

10. That all easements have signs placed on them prior to construction if the easements are not cleared.
11. That the open space required along the stream buffer be designated as public and that the remaining open space be designated as private.
12. That a 10-foot buffer be shown along the rear property lines of Lots 67 through 73 with a note that it is to remain undisturbed with no accessory structures allowed.

VOTE: AFFIRMATIVE ALL

Alderman Bryan requested that a stop sign plan for this subdivision be considered at the time the streets are dedicated to the town.

HOME INVESTMENT PARTNERSHIP CONSORTIUM AGREEMENT

The administration recommended adoption of a resolution approving the town's participation in the Orange County Housing Consortium and authorizing the execution of a Home Investment Partnership Program Consortium agreement.

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING PARTICIPATION OF THE TOWN OF CARRBORO
IN THE ORANGE COUNTY HOUSING CONSORTIUM AND
AUTHORIZING THE EXECUTION OF A HOME INVESTMENT
PARTNERSHIP PROGRAM CONSORTIUM AGREEMENT
Resolution No. 50/91-92

WHEREAS, the National Affordable Housing Act of 1990 created the HOME Investment Partnership Program; and

WHEREAS, a provision of the State of North Carolina's HOME Program specifies that multiple governmental bodies may join together to form a consortium and thereby qualify to apply for a State HOME consortium grant; and

WHEREAS, the Towns of Carrboro, Chapel Hill, Hillsborough, and the County of Orange have proposed that such a consortium be formed to include all local jurisdictions within Orange County in order to apply for a consortium grant for FY'92-93; and

WHEREAS, the forming of such a consortium for the purposes of the HOME Investment Partnership Program would further the local partnership for the development of low-cost housing, begun in 1990 with the formation of Orange Community Housing Corporation and continued in 1991 with the adoption of a county-wide Comprehensive Housing Affordability Strategy (CHAS).

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

Section 1. That the Board of Aldermen approves the participation of the Town of Carrboro in the Orange HOME Consortium.

Section 2. That the Board of Aldermen authorizes the Town Manager to execute the HOME Investment Partnership program Consortium Agreement in the form attached herewith.

Section 3. That the Board of Aldermen authorizes the Orange County Manager, acting on behalf of the Orange HOME Consortium as the Lead Entity, to submit an application for funding under the State HOME Consortium Program, consistent with the Proposal for Project Expenditures attached hereto.

Section 4. That the Town Manager and the Orange County Manager, on the advice and consent of the Town/County Attorney, may approve minor amendments to the State HOME Investment Partnership Program Consortium Agreement for the period of time between June 23, 1992 and August 11, 1992 and execute documents recording the amendments.

Section 5. That the Board of Aldermen approves the 1992 Orange County Home Program Design.

Section 6. 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 23rd day of June, 1992:

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

Noes: None

Absent or Excused: None

RESOLUTION AUTHORIZING THE LEASE/PURCHASE OF VEHICLES

The administration recommended adoption of a resolution designating an installment purchase contract as a tax-exempt obligation of the town.

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION DESIGNATING AN INSTALLMENT PURCHASE CONTRACT AS A TAX-EXEMPT OBLIGATION OF THE TOWN Resolution No. 53/91-92

WHEREAS, the Town of Carrboro, through its duly elected Mayor, with the consent and approval of the Board of Aldermen, has entered into a contract with Southern National Leasing Corporation for the purchase of the following:

1. One (1) dump truck for the Street Division;
2. One (1) radio/telecommunications system for the Inspections Division; and
3. Three (3) police cars;

and

WHEREAS, the said contract, bearing the date July 1, 1992, qualifies as a tax-exempt obligation of the town, pursuant to the Internal Revenue Code of 1986.

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

Section 1. The aforesaid contract, bearing the date July 1, 1992, by and between the Town of Carrboro and Southern National Leasing Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as a qualified tax-exempt obligation of the town for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

Section 2. This resolution shall become effective on July 1, 1992.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 23rd day of June, 1992:

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

Noes: None

Absent or Excused: None

AMENDMENTS TO PERSONNEL ORDINANCE

The administration requested that the Board of Aldermen adopt an ordinance amending the personnel ordinance to allow the following: (i) an increase in the amount of petty leave which can be taken from 2 hours to 4 hours; and (ii) allowing employees to convert accrued vacation leave over 240 hours to sick leave rather than having to forfeit it.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 (PERSONNEL POLICIES) OF THE CARRBORO TOWN CODE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

REPORT ON INTEGRATED SOLID WASTE PLAN

Alderman Gurganus stated that the Landfill Owners' Group had developed a comprehensive integrated solid waste management action plan for the Board of Aldermen's review and comment. Alderman Gurganus presented a resolution that would approve the scope of work as amended by the three governing bodies and would approve a process for proceeding with the town's solid waste management efforts.

Bruce Heflin, Public Works Director for the Town of Chapel Hill, summarized the action taken by the Chapel Hill Town Council on this matter.

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Jay Bryan.

A RESOLUTION ADOPTING A SOLID WASTE PLANNING PROCESS
FOR THE ORANGE REGIONAL LANDFILL OWNERS' GROUP
Resolution No. 54/91-92

WHEREAS, the Town of Chapel Hill requested in November, 1991 that the Landfill Owners' Group develop a report on future directions for long-range solid waste management; and

WHEREAS, the Landfill Owners' Group has proceeded to develop a draft of an action plan for long-range solid waste management; and

WHEREAS, the Board of Aldermen desires that town representatives participate fully in the development of this plan.

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

Section 1. The Board of Aldermen hereby approves the process described in the attached report for developing the solid waste action plan.

Section 2. The scope of work described in this report, once amended by the Town of Carrboro, the Town of Chapel Hill and Orange County, is to be adopted.

Section 3. The Landfill Owners' Group representatives are authorized to proceed with the development of a detailed scope of work and to bring back a contract with a detailed scope of work and price along with examples of the firm's work for concurrence by the three member governments.

Section 4. That the report presented by Joyce Brown entitled, "Solid Waste Management Plan Based on Waste Reduction," be considered by the Landfill Owners' Group and the Solid Waste Reduction Committees of Chapel Hill and Orange County.

Section 5. 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 23rd day of June, 1992:

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

Noes: None

Absent or Excused: None

REPORT ON FARMERS' MARKET ROOF

Mr. Morgan presented a memorandum from Chris Peterson, the town's Public Works Director, stating that the roof on the Farmers' Market is not repairable and offering two possibilities for replacing the roof.

MOTION WAS MADE BY FRANCES SHETLEY THAT THE TOWN HAVE THE FARMERS' MARKET ROOF REMOVED. (MOTION FAILED DUE TO THE LACK OF A SECOND.)

[The Board took no action on this matter.]

ALTERNATIVES FOR CONNECTING LLOYD STREET AND NORTH GREENSBORO STREET

MOTION WAS MADE BY FRANCES SHETLEY TO HAVE THE TOWN STAFF AND TAB CONSIDER A CONNECTION BETWEEN LLOYD STREET AND NORTH GREENSBORO STREET. (MOTION DIED FOR THE LACK OF A SECOND.)

[The Board took no action on this matter.]

CERTIFICATION OF FIRE DEPARTMENT ROSTER

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE MAYOR BE AUTHORIZED TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

TOWN-WIDE DESIGN GUIDELINES

Alderman Bryan requested a status report on the town-wide design guidelines.

CARR MILL BIKEPATH

Alderman Bryan requested a status report on the Carr Mill Bikepath project.

REPORT ON MONITORING DARE PROGRAM AND PLANS FOR TRAFFIC CONTROL

Alderman Bryan requested that the Police Dept. prepare a report on its plans to monitor the success of the DARE program and the department's plans for traffic control.

STORMWATER MANAGEMENT REPORT

Alderman Bryan requested that the Agenda Planning Committee schedule a report on stormwater management for some time in August.

UTILIZATION OF BIKEWAYS

Alderman Marshall requested that the town staff prepare a report on how bicycle riders can be forced to use designated bikelanes rather than using travel lanes.

EXECUTIVE SESSION

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AT 1:00 A.M. VOTE: AFFIRMATIVE ALL

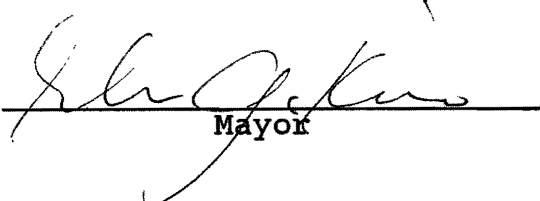
COMPENSATION FOR MANAGER AND TOWN ATTORNEY

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT A REVISED CONTRACT FOR FISCAL 1992-93 BETWEEN THE TOWN AND MICHAEL BROUGH & ASSOCIATES FOR A TOTAL COST OF \$59,383 BE APPROVED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN MANAGER'S SALARY BE SET AT \$65,831 FOR FISCAL 1992-93. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL

Town Clerk



Mayor