

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 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 B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF OCTOBER 27, AND NOVEMBER 3, 1992 BE APPROVED WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Kinnaird issued a proclamation proclaiming November 17, 1992 as RSVVP day in the Town of Carrboro.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/SANDWICH BOARD SIGNS

The administration requested that the Board of Aldermen set a public hearing for December 8, 1992 to consider an amendment to the Land Use Ordinance to allow sandwich board signs. In addition, the administration requested that the proposed amendment be referred to the Planning Board and Downtown Development Commission for their review and recommendations.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR DECEMBER 8, 1992 AND THAT THIS AMENDMENT BE REFERRED TO THE PLANNING BOARD AND DOWNTOWN DEVELOPMENT COMMISSION FOR THEIR REVIEW AND RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT PERMITTING RESTAURANT USES IN THE B-1(G) ZONING DISTRICT

Julia Trevarthen, the town's Senior Planner, presented a report on restaurant uses in the downtown and requested that a public hearing be scheduled for December 8, 1992 to consider an amendment to the Land Use Ordinance permitting restaurant uses in the B-1(g) zoning district. In addition, the administration requested that the proposed amendment be referred to the Planning Board and Downtown Development Commission for their review and recommendations.

Grainger Barrett, representing the Pizza Hut, stated that they were working under a time constraint--that their option expires in November, but can be renewed for one month.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR DECEMBER 8, 1992 ON A REQUEST TO CHANGE THE TABLE OF PERMISSIBLE USES FOR THE B-1(G) ZONE TO PERMIT 8.500 AND 8.600 RESTAURANT USES IN THAT ZONE, AND THAT THIS AMENDMENT BE REFERRED TO THE PLANNING BOARD AND DOWNTOWN DEVELOPMENT COMMISSION FOR THEIR REVIEW AND RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CENDEL CELLULAR TELEPHONE COMMUNICATIONS TOWER

Roy Williford, the town's Planning Director, was sworn in. Mr. Williford stated that Ron Biszick of The Bernstein Group, Inc. and Ken Cory of The John R. McAdams Company, Inc. had submitted a revised proposal that would allow the construction of a 180-foot high self-supporting monopole cellular telephone communications tower and 336 square foot accessory building on 5.92 acres. The property is located at 515 South Greensboro Street. The parcel is identified as Tax Map 100, Block C, Lot 33 and is zoned M-1.

Jerry Eatman, Centel's attorney, presented scale drawings of the proposed tower and stated that dishes do not work well on monopoles. Mr. Eatman stated that this tower will serve everything in Carrboro and that the transmitters will be located within the accessory building.

Ron Biszick stated that the signals for this tower would extend 10 - 12 miles. The Carrboro area is the immediate area that will be served by this tower. The FCC frowns on different cellular phone companies using the same tower because of interference.

Dr. Kay Lund, a resident of South Greensboro Street, was sworn in. Dr. Lund asked that the Board get information from experts on the health hazards associated with this type of tower and questioned the need for the tower.

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

MOTION WAS MADE BY FRANCES SHETLEY 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 FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT IF THE APPLICATION IS GRANTED, THAT THE PERMIT BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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. Additional screening by eleven Burford Hollies shall be placed along the property line that is adjacent to the school (eastern side). Also, the slats that will be placed in the existing eight-foot high chain link fence shall be the brown color as presented by the applicant.
4. The facility shall be a cellular transmitting and receiving facility that would serve the Town of Carrboro. The facility will consist of a 12' x 28' equipment shelter used to house several low-power radio transmitters, and a 180' self supporting monopole, outfitted with two whip antennas and six panel antennas. The panel antennas will be 3' long and 1' wide. The monopole will be approximately 6' in diameter at the base, tapering to a significantly smaller diameter at the top. The pole will be constructed of solid galvanized steel, and will require no lighting or painting. The entire facility will be enclosed and secured by a 6' high chain link fence. The terms of the Land Use Permit for construction of this tower will specifically provide that no additional antennas or microwave dish antennas may be attached to the pole without the prior approval of the Town of Carrboro. A photograph of the typical monopole construction utilized by Centel Cellular was submitted to the Board of Aldermen for consideration at the Board's meeting held on November 10, 1992.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICANT SHALL SIGN A STATEMENT AGREEING THAT IT WILL BE RESPONSIBLE FOR ALL DAMAGE AND LIABILITY PROVED TO RESULT FROM THE TOWER, INCLUDING RESPONSIBILITY FOR ANY AND ALL HEALTH EFFECTS TO ANY RESIDENT OF CARRBORO. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, CALDWELL, SHETLEY)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT PRIOR TO CONSTRUCTION, THE APPLICANT SHALL SUBMIT CONSTRUCTION DRAWINGS OF THE ENTIRE TOWER AS WELL AS ANY ANTENNAS OR OTHER TOWER PARTS TO THE TOWN STAFF FOR APPROVAL. SUCH SUBMISSION SHALL TAKE PLACE WITHIN SUFFICIENT TIME FOR THE STAFF TO REVIEW THE CONSTRUCTION DRAWINGS. ANY CONSTRUCTION DRAWINGS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NORMAL REQUIREMENTS FOR CONSTRUCTION DRAWINGS OF SUCH TOWERS, AS WELL AS A LIST OF THE CONSTRUCTION MATERIALS FOR THE TOWER ITSELF. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT PRIOR TO CONSTRUCTION, THE APPLICANT SHALL SUBMIT STUDIES TO THE TOWN STAFF WHICH WILL

INDICATE THAT THE MONOPOLE IS NOT SUBJECT TO COLLAPSE. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE APPLICANT SHALL PAINT THE MONOPOLE IF THE TOWN ASKS HIM TO DO SO. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (SHETLEY, CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION WILL BE AMENDED IN GENERAL IN ACCORDANCE WITH THE AMENDED PROPOSAL TO ERECT A CELLULAR FACILITY AS SUBMITTED TO THE BOARD ON NOVEMBER 10, 1992 AND AS ILLUSTRATED IN A FOUR-PAGE DOCUMENT. AS INDICATED IN THIS DOCUMENT, THE POLE WILL NOT HAVE ANY LIGHTING ON IT AT ALL. SHOULD FUTURE FEDERAL REQUIREMENTS STATE THAT LIGHTING SHOULD BE PLACED ON THE TOWER, THE APPLICANT WILL BE REQUIRED TO COME BACK BEFORE THE BOARD OF ALDERMEN FOR A PUBLIC HEARING ON THE NATURE OF THE LIGHTING AND FOR APPROVAL OF LIGHTING. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (SHETLEY, CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT NO FURTHER HEIGHT WILL BE ADDED TO THE MONOPOLE, NOR WILL ANY OTHER STRUCTURE BE ALLOWED ON THE SITE TO INCREASE THE HEIGHT OF THE TOWER. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT NO OTHER ANTENNAS OR OTHER CHANGE WILL BE MADE TO THE MONOPOLE AS PRESENTED TO THE BOARD. IF THE APPLICANT/OWNER WISHES TO ADD ANY ANTENNAS OR ANY OTHER INSTRUMENT TO THE TOWER ITSELF, THE FOLLOWING CONDITIONS SHALL BE MET.

- A. A PUBLIC HEARING WITH NOTIFICATION SENT TO ALL PROPERTY OWNERS AND RESIDENTS LIVING WITHIN 200 FEET OF THE TOWER SITE, PLUS THE USUAL NOTICE, WILL BE HELD.
- B. THE TOWN WILL HAVE ADEQUATE OPPORTUNITY TO REQUEST A SECOND OPINION BY AN EXPERT CHOSEN BY BOARD REGARDING ALL HEALTH ISSUES.

VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (MARSHALL, CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT IF THE REPORT FROM THE BOARD'S EXPERT IS THAT EITHER THERE ARE HARMFUL EFFECTS ASSOCIATED WITH THE ADDITIONAL EQUIPMENT, OR THERE ARE NO STUDIES THAT SHOW WHETHER EXPOSURE TO THE ELECTROMAGNETIC FIELDS EMITTED BY THE ADDITIONAL EQUIPMENT DO OR DO NOT POSE LONG-TERM HEALTH HAZARDS, THEN THERE COULD BE SUFFICIENT GROUNDS FOR DENIAL. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, CALDWELL, SHETLEY)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT IF THERE ARE SCIENTIFIC STUDIES FOLLOWING THE CONSTRUCTION OF THE TOWER THAT SHOW THAT EXPOSURE TO THE CELLULAR TRANSMISSION OF THIS KIND OF TOWER AND ANTENNAS DOES POSE A POSSIBLE HEALTH PROBLEM, THE APPLICANT WILL BE REQUIRED TO COME BACK FOR A PUBLIC HEARING SUBJECT TO THE SAME NOTICE AS STATED ABOVE TO EXPLAIN WHAT THE APPLICANT/OWNER WILL DO TO AMELIORATE AND ADDRESS THE SITUATION. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, CALDWELL, GURGANUS, SHETLEY)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICANT, AS WELL AS ANY SUBSEQUENT PURCHASERS OR LESSEES OF THE PROPERTY AND EQUIPMENT, AS WELL AS ANY SERVANTS, EMPLOYEES, OFFICERS AND ASSIGNEES OF THE APPLICANT, SHALL TAKE ANNUAL MEASUREMENTS AT THE TOWER SITE TO MEASURE POWER DENSITIES AND RADIO-FREQUENCY EMISSIONS AND REPORT THESE MEASUREMENTS TO THE TOWN FOR ITS REVIEW. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT IF IN THE FUTURE, THE FCC DETERMINES THAT STATIONS OF THE TYPE TO BE BUILT BY CENTEL IN CARRBORO ARE INCLUDED FOR ENVIRONMENTAL CONSIDERATION FOR HUMAN EXPOSURE TO RADIO-FREQUENCY EMISSIONS ARISING FROM THEIR OPERATION, OR THE ANSI PROTECTION GUIDE LEVELS ARE CHANGED SO THAT THE CUMULATIVE HUMAN EXPOSURE TO RADIO-FREQUENCY EMISSIONS FROM THIS FACILITY FALL WITHIN THESE PROTECTIVE LEVELS, WHETHER IN OR OUT OF THE AREAS ACCESSIBLE TO THE PUBLIC, OR THE BOARD OF ALDERMEN ADOPTS ITS OWN GUIDELINES WHICH ARE MORE STRINGENT THAN THE GUIDELINES OF THE FCC, THE APPLICANT WILL BE REQUIRED TO COME BACK FOR A PUBLIC HEARING SUBJECT TO THE SAME NOTICE AS STATED ABOVE TO EXPLAIN WHAT THE APPLICANT/OWNER WILL DO TO AMELIORATE AND ADDRESS THE SITUATION. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, SHETLEY, CALDWELL)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BRYAN)

242
AMENDMENT TO JOINT PLANNING LAND USE PLAN AND MAP TO INCORPORATE THE
RECOMMENDATIONS OF THE CHAPEL HILL SMALL AREA PLAN FOR THE SOUTHERN AREA

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Frances Shetley.

**A RESOLUTION RECOMMENDING APPROVAL TO THE ORANGE COUNTY
BOARD OF COMMISSIONERS' AMENDMENT TO THE JOINT PLANNING
LAND USE PLAN AND MAP TO INCORPORATE THE RECOMMENDATIONS
OF THE CHAPEL HILL SMALL AREA PLAN FOR THE SOUTHERN AREA**
Resolution No. 15/92-93

WHEREAS, the Chapel Hill Town Council constituted a Small Area Plan Work Group to develop a recommended plan for the Southern Area, a part of which is located in Chapel Hill's Joint Planning Transition Area and thus, subject to the Joint Planning Agreement;

WHEREAS, the Chapel Hill Town Council adopted the Southern Small Area Plan on June 22, 1992 and directed that a schedule for implementation be pursued;

WHEREAS, the Chapel Hill Town Council requested that the Orange County Commissioners consider with the Town of Chapel Hill and the Town of Carrboro an amendment to the Joint Planning Land Use Plan incorporating the Southern Small Area Plan for the portion of the Southern area outside Chapel Hill's planning jurisdiction, within the joint planning transition area;

WHEREAS, the Orange County Board of Commissioners directed appropriate amendments to the Joint Planning Area Land Use Plan to incorporate the Chapel Hill Southern Small Area Plan;

WHEREAS, the Joint Planning Agreement requires that amendments to the Joint Planning Area Land Use Plan and Map must be adopted by Orange County, Chapel Hill, and Carrboro following a Joint Public Hearing by all three governing boards; and

WHEREAS, a Joint Public Hearing was held on October 14, 1992 to consider this amendment.

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

Section 1. That the amendment to the Joint Planning Area Land Use Plan and Map as presented at the October 14, 1992 Joint Public Hearing is hereby adopted.

Section 2. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

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 10th day of November, 1992:

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

NOES: None

ABSENT/EXCUSED: None

REVOLVING LOAN FUND REQUEST/ORANGE-CHATHAM COMPREHENSIVE HEALTH CENTER

James Harris, the town's Community and Economic Development Officer, stated that the Chapel Hill Carrboro Health Center (OCCHS) had submitted a loan application for \$50,000 at 0% interest for 10 years to purchase medical equipment for its new health care facility which will be built on Lloyd Street. Mr. Harris the Downtown Development Commission recommended approval of the loan at 5.25% for 10 years. In addition, that OCCHS be required to maintain a warranty and maintenance contract on all equipment purchased with town funds.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE \$50,000 LOAN BE APPROVED AT 5.25% INTEREST FOR 10 YEARS AND THAT OCCHS BE REQUIRED TO MAINTAIN A WARRANTY AND MAINTENANCE CONTRACT ON ALL EQUIPMENT PURCHASED WITH TOWN FUNDS. VOTE: AFFIRMATIVE ALL

FIRST QUARTER FINANCIAL REPORT

Larry Gibson, the town's Assistant Town Manager presented a financial report for the period ending September 30, 1992 for the General Fund, Debt Service Fund, Transportation Fund and Revolving Loan Fund.

The Board requested that the next quarterly report include target amounts to date.

ASSEMBLY OF GOVERNMENTS MEETING

Alderman Bryan, Gist, Shetley and Mayor Kinnaird will be attending the Assembly of Governments' meeting scheduled for November 19, 1992.

APPOINTMENT TO ORANGE COUNTY ANIMAL CONTROL/SHELTER OPERATION STUDY COMMITTEE

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT JUDY SAMS BE RECOMMENDED FOR APPOINTMENT AS CARRBORO'S REPRESENTATIVE ON ORANGE COUNTY'S ANIMAL CONTROL/SHELTER OPERATION STUDY COMMITTEE. VOTE: AFFIRMATIVE ALL

EXECUTIVE SESSION

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE BOARD ADJOURN TO EXECUTIVE SESSION AT 10:38 P.M. TO DISCUSS AN ITEM INVOLVING ATTORNEY/CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk