

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 9, 1993 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:
Alderman Tom Gurganus

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE MINUTES OF OCTOBER 26, 1993 BE APPROVED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GURGANUS)

REQUEST TO SET PUBLIC HEARING/ANNEXATION OF WEXFORD, PHASE 3

The Wexford Group has submitted a petition for the voluntary annexation of Phase 3 of the Wexford Subdivision. The administration recommended adoption of the attached resolution setting a public hearing for November 23, 1993 on this request.

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

A RESOLUTION SETTING A PUBLIC HEARING
TO CONSIDER THE ANNEXATION OF WEXFORD, PHASE 3
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 21/93-94

WHEREAS, the Town of Carrboro has received a petition from the owners of the Wexford Subdivision, Phase 3 requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen shall hold a public hearing on November 23, 1993 to consider the voluntary annexation of the Wexford Subdivision, Phase 3.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill News at least ten days prior to the date of the public hearing.

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 9th day of November, 1993:

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

Noes: None

Absent or Excused: Tom Gurganus

PRESENTATION OF AUDIT REPORT FOR FISCAL 1992-93

Joyce Grant with the auditing firm, Grant, Sullivan and Company, introduced Dewanda Dalrymple with that same firm who presented the audit report for Fiscal 1992-93.

WORKSESSION WITH OWASA REPRESENTATIVES

The Board met with the town's OWASA representatives (Melva Okun and Hank Anderson) to discuss the process for establishing service boundaries for water and sewer, the extension of water and sewer to areas with failing septic tanks and wells, and the impact of reducing tap-on fees to Carrboro customers.

Melva Okun stated that there are 150 homes in Carrboro and 550 in Chapel Hill without public sewer. Hank Anderson stated that Chapel Hill will be contributing \$162,000 toward sewerage some homes in Chapel Hill, and that Carrboro customers will be paying for 15% of the cost of the Chapel Hill sewer project. Melva Okun stated that she is proposing that homeowners pay \$50 per line foot to hook up to the sewer system and that the OWASA Board is looking at ways to lower the hook up costs. Ms. Okun and Mr. Anderson both urged the Board to consider setting aside funds to assist with sewer tap ons.

Alderman Bryan requested that the OWASA representatives prepare a report on their proposal for sewer extensions to include a background and how Carrboro should proceed in this matter.

Hank Anderson stated that OWASA has agreed to participate in discussions regarding establishment of service area boundaries for water and sewer.

It was the consensus of the Board to discuss further the establishment of water and sewer service area boundaries.

Melva Okun stated that the water level in University Lake is low at this time because of the year's draught. She stated that OWASA considers University Lake as a watershed and that OWASA is currently doing work on the dam and OWASA prefers to keep the water level low until that project is completed.

Melva Okun stated that OWASA has asked the County Commissioners to give as high a standard as possible for watershed regulations for Cane Creek.

Hank Anderson stated that OWASA has tried to keep the rates low but because of requests for improvements, OWASA has had to raise the rates by 4% this fiscal year.

CONDITIONAL USE PERMIT MODIFICATION/FAIROAKS, PHASE 6

Helen Waldrop stated that Jim Brandewie had requested a minor modification of the existing conditional use permit for Phase 6 of the Fair Oaks Subdivision. This modification would allow for the deletion of two lots, the creation of additional open space, and the creation of a cul-de-sac which will avoid a road crossing of a sensitive drainage area.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE NUMBER OF SINGLE-FAMILY LOTS BE REDUCED FROM 23 TO 21 LOTS AS SHOWN ON THE PLANS PRESENTED OCTOBER 26, 1993, THAT THE EXISTING PLATTED RIGHT-OF-WAY AND PAVED 21 FOOT ROAD WIDTH ENTRANCE ALIGNMENT FOR THE PROPOSED CUL-DE-SAC THAT CONNECTS ONTO PATHWAY DRIVE BETWEEN LOTS 10 AND 11 REMAIN THE SAME; AND THAT A TAPERED 27-FOOT ROAD SECTION BE CONSTRUCTED FROM THE EXISTING 21-FOOT SECTION; AND THAT THE OPEN DITCH ALONG LOT #4 BE REPLACED WITH A CONTINUOUS 24-INCH PIPE LINKING THE EXISTING PIPE WITH THE PROPOSED PIPE UNDER THE PROPOSED HOLLISWOOD DRIVE AS INDICATED IN THE PLANS SUBMITTED ON NOVEMBER 9, 1993. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GURGANUS)

A REVISED ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW DEVIATIONS FROM APPLICABLE SETBACK REQUIREMENTS UPON RECOMMENDATION BY THE APPEARANCE COMMISSION

The purpose of this agenda item was for the Board to consider a revised version of a text amendment allowing deviations from applicable setback requirements upon recommendation of the Appearance Commission.

Julia Trevarthen, the town's Senior Planner, explained that a public hearing had been held on the original version of this proposed amendment on March 23, 1993 and that the Town Attorney had redrafted the proposed amendment pursuant to the Board's request.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW FOR DEVIATIONS FROM APPLICABLE SETBACK REQUIREMENTS UPON RECOMMENDATION OF THE APPEARANCE COMMISSION," BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GURGANUS)

DISCUSSION OF AN ORDINANCE REGULATING CONSTRUCTION NOISE

The Town Attorney reviewed a memorandum he had prepared for the Board of Aldermen dealing with an ordinance regulating construction noise.

Mayor Kinnaird stated that she would like to have sound producing equipment included in the proposed ordinance and that the times be changed to 7 a.m. to 7 p.m. (except for roofers) and starting at noon on Sunday.

Alderman Shetley stated she would like for the times to be 6 a.m. to a definite stopping time, perhaps 8 or 9 p.m. and that roofers be allowed to start at 6 a.m.

Alderman Marshall stated that he feels the ordinance is too constraining and that it should not be adopted.

Alderman Caldwell stated that he thinks adoption of the ordinance would be over legislating.

It was the consensus of the Board to have the Town Manager forward a copy of the proposed ordinance to the Executive Director of the Home Builders Association of Durham and Chapel Hill for his comments. In addition, the Board requested that this matter be placed back on the Board's agenda for November 16th when Alderman Gurganus is in attendance.

BUDGET AMENDMENT

The administration requested that the Board adopt an ordinance amending the 1993-94 budget to re-appropriate funds for prior year encumbrances and to transfer funds from non-departmental accounts to cover the three percent across-the-board salary increases.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'93-94 BUDGET ORDINANCE", BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GURGANUS)

CABLE T.V. REGULATION: FILING FORM 329

Mr. Morgan stated that Cablevision and CVI restructured their rates effective September 1, 1993. It is unclear under the new regulations what time frame the town has to request the FCC to review non-basic tier programming rates. The purpose of this agenda item was for the Town Manager to receive authorization from the Board to submit form FCC 329 to file a complaint as to the reasonableness of the rates for the cable programming service tier of both cable franchises.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE TOWN MANAGER BE AUTHORIZED TO FILE FCC FORM #329 FOR RATES SET BY CVI AND CABLEVISION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GURGANUS)

CABLE T.V. ORDINANCE AMENDMENTS

The administration recommended adoption of an ordinance amending the cable t.v. ordinance to allow regulation of cable rates.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CABLE TELEVISION ORDINANCE ON

REGULATION OF BASIC SERVICE TIER RATES AND EQUIPMENT AND CUSTOMER SERVICE STANDARDS," BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GURGANUS)

1994 PLANNING RETREAT

Mr. Morgan stated that the Aqueduct Conference had not yet been reserved for the 1994 Planning Retreat and suggested that February 13 and 14 be set as the dates for next year's retreat.

It was the consensus of the Board to set the 1994 Planning Retreat for February 13th and 14th contingent on this being a suitable date for the two new Board members.

STATUS REPORT ON NEW POST OFFICE

Mr. Morgan informed the Board that the Postal Service had informed the town verbally that the new post office building has been approved and will now go out for bids.

It was the consensus of the Board to ask that the town staff write the Postal Service requesting a written confirmation of what the town has been told verbally.

APPOINTMENT TO ORANGE COUNTY HUMAN RELATIONS COMMISSION

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT JOSEPHINE HARRIS BE APPOINTED TO SERVE AS ONE OF THE TOWN OF CARRBORO'S REPRESENTATIVES ON THE ORANGE COUNTY HUMAN RELATIONS COMMISSION. VOTE: AFFIRMATIVE ALL

PLANNING PROCESS FOR HORACE WILLIAMS' TRACT

It was the consensus of the Board to request that Mayor Kinnaird write a letter to Chancellor Hardin requesting that the Town of Carrboro be allowed to participate in the planning process for the Horace Williams' tract.

PLAN FOR EVALUATING DARE PROGRAM

Alderman Bryan requested that the Chapel Hill-Carrboro City Schools and the Police Department prepare an evaluation plan for the DARE program.

Alderman Marshall informed the Board that the Chapel Hill-Carrboro City Schools Health Advisory Committee (chaired by Susan Spalt) is in the process of evaluating the DARE program.

STATUS OF ELM/NORTH GREENSBORO STREET BIKEPATH

Alderman Marshall requested a status report on the Elm Street/North Greensboro Street bikepath.

CANE CREEK WATERSHED PROTECTION

Alderman Bryan requested that the town staff prepare a report on the watershed protection for Cane Creek which is being proposed by the Orange County Board of Commissioners. Alderman Bryan requested that Mayor Kinnaird send a letter to Moses Carey requesting that the County Commissioners not take action at its November 16th meeting on the proposed watershed restrictions in order for the Board of Aldermen to have an opportunity to comment on the proposed amendments. In addition, the letter should request a joint public hearing between the County Commissioners and the Board of Aldermen concerning this matter.

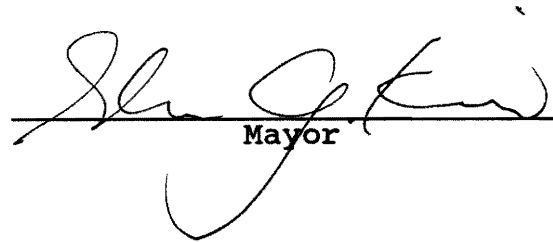
1994 TIP APPROVAL

Alderman Shetley stated that TAC would be meeting on November 10th to consider adoption of the 1994 Transportation Improvement Plan (TIP). Alderman Shetley stated that the multi-laning of Smith Level Road is still in the TIP despite the town's opposition to that multi-laning and that asked the Board how she should vote on this matter. It was the consensus of the Board that Alderman Shetley request that the TAC insert a statement in the TIP indicating the town's objection to the multi-laning of Smith Level Road before the 1994 TIP is voted on.

STATUS OF BYPASS IMPROVEMENTS

Alderman Marshall requested a status report on the 54 Bypass improvements.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE MEETING BE ADJOURNED AT 10:25 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk