

A regular meeting of the Carrboro of Aldermen was held on Tuesday, August 16, 1994 at 7:30 P.M. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor G. Kinnaird
Aldermen	Michael Nelson
	Randy Marshall
	Hank Anderson
	Frances Shetley
	Jacquelyn Gist
	Jay Bryan
Town Manager	Robert W. Morgan
Town Attorney	Michael B. Brough
Deputy Town Clerk	James E. Spivey

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION AS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON THAT THE MINUTES OF AUGUST 09, 1994 BE APPROVED AS WRITTEN. VOTE: AFFIRMATIVE ALL.

RESOLUTION OF APPRECIATION: WILLIAM CLARK GRAY

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hank Anderson.

**A RESOLUTION EXPRESSING APPRECIATION TO WILLIAM CLARK GRAY
Resolution No. 4/94-95**

WHEREAS, William Clark Gray was successful during his 15-year career with the Town of Carrboro in providing the daily custodial maintenance of the Town Hall complex; and

WHEREAS, Mr. Gray assisted the employees of the many Town Hall offices to have a comfortable and clean working environment; and

WHEREAS, Mr. Gray, with continuous patience and diligence, was dedicated and always courteous to all persons; and

WHEREAS, citizens, the general public, and the employees of the Town Hall benefited from Mr. Gray's tireless efforts to serve the town's custodial needs during his 15-year career.

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

Section 1. The Board, on behalf of the Town of Carrboro, expresses its thanks and appreciation to William Clark Gray and his family for Mr. Gray's years of service to the Town and its citizens and the professional that Mr. Gray brought to the Town's Public Works Department.

Section 2. This resolution shall be entered into the Board's official minutes and copy shall be presented to Wilhelmenia Gray, wife of William Clark Gray.

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 16th day of August, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

RESOLUTION PRESENTED: JAMES HARRIS

Mayor Kinnaird presented James Harris with a resolution recognizing his efforts on behalf of the Carr Court Community Center. (The resolution was previously adopted by the Board on June 28, 1994.)

TRIANGLE COMMUNITY TELEVISION

Cathy Binder, President of Triangle Community Television, requested that she be placed on the agenda to make a presentation regarding the establishment of a public access station in Carrboro. The Board referred the request to staff.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT CHANGING THE COMPOSITION OF THE PLANNING BOARD BY CONVERTING ONE ETJ SEAT TO A TRANSITION AREA SEAT

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT A PUBLIC HEARING BE SET FOR SEPTEMBER 13, 1994 TO RECEIVE CITIZEN INPUT REGARDING AN ORDINANCE AMENDING THE CARRBORO AND USE ORDINANCE TO CHANGE THE COMPOSITION OF THE PLANNING BY CONVERTING ONE OF THE ETJ SEATS TO A TRANSITION AREA SEAT. VOTE: AFFIRMATIVE ALL.

REQUEST TO SET PUBLIC HEARING/DOMESTIC PARTNER ISSUES

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY HANK ANDERSON THAT A PUBLIC HEARING BE HELD ON SEPTEMBER 06, 1994 TO RECEIVE CITIZEN INPUT ON TWO PROPOSED ORDINANCES; WHICH 1) WOULD PROVIDE FOR THE TOWN CLERK TO ACCEPT STATEMENTS OF DOMESTIC PARTNERSHIPS AS A MEANS OF REGISTERING DOMESTIC PARTNERS IN CARRBORO; AND 2) WOULD AMEND THE TOWN CODE TO STIPULATE THAT THE FINANCIAL DISCLOSURES REQUIRED OF ELECTED OFFICIALS INCLUDE DISCLOSURES INVOLVING THE FINANCIAL INTEREST OF THEIR DOMESTIC PARTNERS AS WELL AS THEIR SPOUSES. IN ADDITION, THE BOARD WILL BE CONSIDERING EXTENDING FAMILY COVERAGE FOR HEALTH INSURANCE BENEFITS TO DOMESTIC PARTNERS OF TOWN EMPLOYEES. VOTE: AFFIRMATIVE ALL.

REPORT FROM ORANGE COUNTY DISABILITY AWARENESS COUNCIL

Ellen Perry gave a report regarding the activities of the Orange County Disability Awareness Council..

MAINTENANCE AGREEMENT FOR MOWING OF STATE SYSTEM ROADWAYS

Chris Peterson, Public Works Director, reviewed a proposed agreement with NCDOT to perform the routine shoulder mowing of state system roadways located within the town's municipal limits. The administration requested Board authorization for the town manager to execute an agreement with NCDOT to perform the routine shoulder mowing of state system roadways located within the town's municipal limits.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Randy Marshall.

A RESOLUTION AUTHORIZING THE TOWN MANAGER
TO SIGN A MUNICIPAL MAINTENANCE AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
FOR THE ROUTINE MOWING MAINTENANCE OF
STATE SYSTEM ROADS
Resolution No. 3/94-95

WHEREAS, the North Carolina Department of Transportation (NCDOT) and Town of Carrboro are authorized by the provisions of North Carolina General Statutes 136-41.3 to enter into contracts for the purpose of maintenance and repair of state highway system streets within the town's municipal limits; and

WHEREAS, the routine mowing maintenance of all the roads shown on Attachment I can most effectively be provided by the Town of Carrboro in accordance with the requirements of the NCDOT under the general administrative control of the NCDOT 's Division Engineer; and

WHEREAS, the NCDOT will reimburse the Town of Carrboro for the costs incurred in furnishing personnel, labor, equipment and materials for the work performed.

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

Section 1. The Board of Aldermen hereby authorizes the Town Manager to sign an agreement with the North Carolina Department of Transportation for the routine mowing maintenance of state highway system streets shown on Attachment I.

Section 2. Attachment I shall become a part of this resolution.

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 16th day of August 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

SELECTION OF CONSTRUCTION MANAGER FOR TOWN COMMONS PROJECT

James Harris, Community and Economic Development Officer, explained that the purpose of this item was to recommend to the Board the name of a construction manager to act as a representative for the Town in constructing the Town Commons project. Mr. Harris explained the process used in choosing a construction manager, reviewed the present budget for the Town Commons Project, and reviewed the proposed fee proposal from Construction Control Services Corporation.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JAY BRYAN THAT:

- 1) Construction Control Services Corporation be hired to act as construction manager on the Town Commons Project.
- 2) The town manager be authorized to execute the necessary contracts required with the construction manager and any subcontractors needed to accomplish the completion of the Town Commons Project according to the phasing plan approved by the Board of Aldermen.
- 3) The proposed budget ordinance for the Town Commons Project be adopted.

VOTE: AFFIRMATIVE ALL.

The Board of Aldermen stressed that staff is to encourage the construction manager to hire people, emphasizing minorities and women.

The Board of Aldermen, on behalf of Mr. Copeland of the Farmers' Market, directed staff to investigate the term of the present lease agreement for the Farmers' Market at its present location.

TOWN CODE AMENDMENT DESIGNATING A FOUR-WAY STOP AT PATHWAY DRIVE AND TRIPP FARM ROAD AND PATHWAY DRIVE AND ROBERT HUNT DRIVE

Kenneth Withrow, Transportation Planner, stated that the Board of Directors of the Fair Oaks and Quarterpath Trace Homeowners Association requested that the Town install four-way stop signs at the intersection of Pathway Drive and Tripp Farm Road, Pathway Drive and Robert Hunt Drive.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE DESIGNATING 4-WAY STOP SIGNS AT THE INTERSECTION OF TRIPP FARM ROAD AND PATHWAY DRIVE AND ROBERT HUNT DRIVE AND PATHWAY DRIVE" BE ADOPTED. VOTE: AFFIRMATIVE ALL.

ADOPTION OF CAPITAL/GRANT PROJECT ORDINANCES

Project ordinances for the town's multi-year capital and grant activities must be revised periodically to recognize new revenue as well as project expenditures, and to insure that interfund transfers reflected in the annual budget are also reflected in the various capital/grant projects funds.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE FOLLOWING ORDINANCES BE ADOPTED:

- 1) AN ORDINANCE AMENDING PROJECT ORDINANCE FOR PAYMENTS-IN-LIEU FUND
 - 2) AN ORDINANCE AMENDING PROJECT ORDINANCE FOR TRANSPORTATION PLANNING PROJECT
 - 3) AN ORDINANCE AMENDING PROJECT ORDINANCE FOR CAPITAL RESERVE FUND
- VOTE: AFFIRMATIVE ALL.**

APPOINTMENT TO OWASA

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JACQUELYN GIST THAT JOAL HALL BE APPOINTED TO THE OWASA BOARD OF DIRECTORS. VOTE: AYES 5 (ANDERSON, KINNAIRD, SHETLEY, GIST, BRYAN); NOES 2 (NELSON, MARSHALL).

APPOINTMENTS TO HUMAN SERVICES COMMISSION

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT ELLEN CAPPARELLA AND JACK MERCER BE APPOINTED TO THE HUMAN SERVICES COMMISSION. VOTE AFFIRMATIVE ALL.

LOCAL TRANSPORTATION IMPROVEMENT PROGRAM UPDATE

Kenneth Withrow, Transportation Planner, provided the Board of Aldermen an update concerning the status of the Local (Durham-Chapel Hill-Carrboro) Transportation Improvement Program. Mr. Withrow explained that the North Carolina Board of Transportation approved the FY 1995-2001 State Transportation Improvement Program (STIP) as of June 3, 1994. The Annual TIP Review and Update Process requires the Durham-Chapel Hill-Carrboro Transportation Advisory Committee (TAC) to approve and adopt a Local Transportation Improvement Program (LTIP) so as to be consistent with the STIP as required by federal regulations. The Local Transportation Improvement Program (LTIP) is based on the Local Supplement for the 1995-2001 STIP. One of the major concerns of the FY 1995-2001 STIP is the inclusion of the widening of Interstate 40 from Interstate 85 to the Durham Freeway to six lanes. As requested by the Transportation Advisory Committee on May 25, 1994, a draft Local Transportation Improvement Program (LTIP) was prepared; and in keeping with the Public Review Policy, was advertised within the Durham-Chapel Hill-Carrboro urban area for a 30-day comment period. The public hearing on the draft LTIP was held at the Durham City Hall as of June 21, 1994; and the public comment period ended as of July 6, 1994. Governing officials within the Durham-Chapel Hill-Carrboro urban area voiced their concerns to the North Carolina Department of Transportation over the STIP and its inclusion of the Interstate 40 project. During the comment period, citizens expressed their concerns over the widening of Interstate 40 to six lanes from Interstate 85 to the Durham Freeway. The Transportation Advisory Committee (TAC) of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization must consider these public comments in adopting the FY 1995-2001 LTIP. Currently, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) and the North Carolina Department of Transportation (NCDOT) are at an impasse on the State Transportation Improvement Program (STIP), which has as one of the concerns the Interstate 40 project. Without resolution of the differences between the MPO and NCDOT, it is unlikely that the MPO will adopt the FY 1995-2001 LTIP. Since the FY 1994-2000 LTIP essentially authorized a two-year project selection period, a preferred option for the MPO is to not take any action on the draft LTIP and let the FY 1994-2000 LTIP be the project selection criteria for FY 1994-1995. This would allow the MPO and NCDOT one year to work out differences and cooperatively develop a new LTIP. As of August 24, 1994 the chairperson and the co-chairperson of the TAC, along with the chairperson of the TCC will meet with the governor concerning the FY 1995-2001 STIP. A formal report on the outcome of the August 24, 1994 meeting is to be presented to the TAC during its September, 1994 meeting.

SPEED LIMIT MODIFICATION - SCHOOL ZONE

Mr. Morgan presented a proposed ordinance which would lower the speed limit on Hillsborough Road and Old Fayetteville Road to 35 mph which would be in effect 30 minutes prior to and 30 minutes after school begins and ends on school days.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CARRBORO TOWN CODE SECTION 6-16 - SPEED LIMITS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

PHASING OF THE GYMNASIUM PARKING LOT AND THE TRACK AND FIELD FACILITIES, AND BONDING OF INCOMPLETE SITE WORK ITEMS/MIDDLE SCHOOL

Keith Lankford, Zoning Administrator, explained that on September 15, 1992, the Board of Aldermen granted the Chapel Hill-Carrboro School System a Conditional Use Permit (CUP) to construct a middle school. As of Tuesday afternoon, August 16, 1994 many of the site improvements have not been completed. The School System is requesting that a minor modification be granted to the CUP to allow the gymnasium parking lot and the track and field facilities to be completed in a separate phase. If approved, all work in these areas would be included in the same phasing which was granted on August 9, 1994 for the gymnasium building itself. Additionally, the School System is requesting that the Board of Aldermen allow them to bond for incomplete site work so that they may receive their certificate of occupancy (CO) prior to the first day of classes. Mr. Lankford reviewed a list of incomplete site work.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO GRANT THE MINOR MODIFICATION TO THE CUP TO ALLOW THE GYMNASIUM PARKING LOT AND THE TRACK AND FIELD AREA TO BE COMPLETED AS A SEPARATE PHASE (WITH THE GYMNASIUM BUILDING AS PREVIOUSLY APPROVED), AND TO ALLOW THE SCHOOL SYSTEM TO BOND FOR THE INCOMPLETE SITE WORK AS FOLLOWS:

I Items which must be completed prior to receiving a certificate of occupancy (CO):

1. Verify that all drainage system restrictor plates are installed as per the approved plans (i.e.—install the restrictor plate at fixture 100, tighten the restrictor plate at fixture 202).
2. Reinstall and/or repair the silt screen fencing around all rip rap aprons, yard inlets, and along the eastern property line, and elsewhere on the site as needed.
3. Install 5 foot tall fire lane signs every 50 feet as shown on the approved plans. These signs should read "no parking fire lane, tow away zone". Paint the curb in the areas noted on the plans, and show the lettering on the pavement in 6 inch tall letters " no parking, fire lane, tow away zone". The wording on the pavement should be spaced every 30 to 50 feet as instructed by the town's fire marshall.
4. Add gravel to the areas where the bike path falls short of the connection to all three roads (Old Fayetteville Road, Hillsborough Road, and Quail Roost Drive).
5. Back fill all areas adjacent to the bike paths, sidewalks, parking areas, curbs, etc.... to avoid any safety hazards. This includes between the bike path and the sidewalk leading from Hillsborough Road.
6. Remove the debris piles all around the site, especially on the north side of the main building.
7. All missing pavement sections need to be patched or filled with gravel temporarily.
8. Install orange ski fencing completely around the three retention basins (those areas for which a performance bond has already been posted).
9. Complete the construction of the yard inlet 103, fine grade and seed the basin.
10. Temporarily stripe all parking lots, access drives and adjacent roads. Install all traffic control devices (signs) and add car stops as shown on the approved plans.
11. There is one small area of the bike path, near the visitor parking lot, where the pavement on the bike path sticks up and poses a hazard. This area must be smoothed out before the CO is issued.
12. Remove the temporary power poles, the associated guide wires, and the office trailers.
13. Install orange fencing around the area of the flag poles if their base has not been poured at the time that the CO is requested.

14. Fill in all holes and depressions throughout the area where students will be accessing (i.e.—landscaping holes, etc....).
15. Replace the handicapped ramp at faculty parking as required to conform with the Americans with Disability Act (ADA) and the State Building Code. This may require modifying the sidewalk which leads into the ramp.
16. Repair the broken vent pipe in ground near the recessed area in front of building near the court yard. There is a jagged edge sticking up. The Zoning Staff can show you this specific area.
17. Complete the site work at the rear of the main building near the cafeteria. This work includes pouring the sidewalk and patio areas, removing the concrete forms, and cleaning up the debris in that area.
18. Clean all walking, driving, and parking surfaces in the areas where students, teachers, and parents will have access to, to ensure that there is no mud, etc.... which may create a slipping hazard or other hazards.
19. Install all bike racks as shown on the approved plans.
20. Install the splash blocks as needed in the field.
21. Address/resolve similar health and safety issues which are noted by the staff in the field.

II. Items which may be added to the phasing of the gymnasium and completed by September 1, 1994.

1. Fine grade, seed and straw around the gymnasium and gymnasium parking lot, as well as touching up the track area which should include cleaning out the catch basins, redefining the swales, and reseeding and strawing areas that have washed out.
2. Final paving, striping and adding car stops in the gymnasium parking area. This should include patching or replacing broken sections of curb, gutter, sidewalk, and the drivecut leading to the track.
3. Adding a handicapped accessible curb cut next to the handicapped space at the gymnasium.
4. Verify the slope of the sidewalk next to the gymnasium to ensure that it meets the ADA.
5. Complete the track facilities. This should include adding the final surface layer of the track, striping the lanes, adding the discus and shot put pads, finish the high jump area, and finish the long jump area. This should also include general maintenance of the field, drainage fixtures, fine grading, seeding, strawing, fencing and landscaping.
6. Additional items as noted by staff in this general area.

III-A. Items which may be bonded [December 01, 1994] under section 15-60 (b) of the Land Use Ordinance (LUO) because they are not LUO requirements.

1. Add an 8 foot wide (flat area) curb cut for the bike path to converge with Old Fayetteville Road. A bollard(s) will also be required behind the curb to ensure that cars do not try to access the site at this location. A stop sign will be required on the bike path behind the sidewalk.
2. Pour the concrete and complete the base for the flag poles, and dress up that area.
3. Complete the construction of the bike path connections to the three roads (Old Fayetteville Road, Hillsborough Road, and Quail Roost Drive). This should include cutting back the width of the bike path next to the service road to ensure the appropriate separation between the bike path and the sidewalk. Patch/repair the bike path where required.
4. Other items as noted by staff.

III-B. Items which may be bonded [December 01, 1994] under section 15-60 (a) of the Land Use Ordinance (LUO) because they were delayed due to weather conditions or other factors beyond the control of the developer.

1. Clean out all catch basins and other drainage fixtures, clean out all rip rap aprons and reset rip rap as required.
2. Fine grade and stabilize the slopes behind the service road, and along the three roads that border this project (Old Fayetteville Road, Hillsborough Road and Quail Roost Drive).
3. Redefine the swales throughout site. It may be necessary to add matting, or to take some other measure to stabilize the bottoms and sides of the swales.

4. Add the final layer of pavement for service road, and the parking lots, restripe the parking lots and remark all traffic control devices. Replace all car stops.
5. Patch all pot holes, repair all cracked sidewalks, handicapped ramps, curbs, gutters, and bike path sections.
6. Install all site fencing as per the approved construction plans.
7. Complete the final paving of Hillsborough Road, including stripping the lanes and any other traffic control devices. Complete all other road improvements as required by the North Carolina Department of Transportation and/or the Town of Carrboro.
8. Fine grade, seed and straw and otherwise stabilize all areas around all of the buildings.
9. Complete all site improvements shown on the plans. This should include constructing the sidewalk section near the proposed future tennis courts.
10. Install an appropriate screen around the dumpsters near the loading dock, and around the water coolers.
11. Install all other landscaping as required on the approved construction plans.
12. Resolve/address all other site plan or land use ordinance items as noted by staff.

VOTE: AFFIRMATIVE ALL.

CONSTRUCTION NOISE IN WAVERLY FOREST

Alderman Bryan stated that a resident of the Waverly Forest Subdivision complained about construction noise. The Board directed the Police Department to investigate the permitted time of day that construction noise can take place and determine if the construction noise impacting the Waverly Forest Subdivision is in violation of the town's ordinance.

RUN-OFF IN BARRINGTON HILLS SUBDIVISION

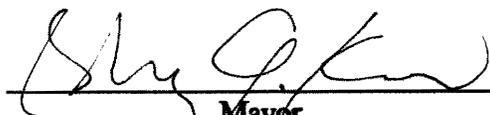
Alderman Marshall stated that a citizen had complained that run-off from the construction of the Arcadia and Cates Farm Subdivision is impacting the Barrington Hills Subdivision. The Board directed the Public Works Department to investigate this matter.

APPOINTMENT TO TRIANGLE J WATER RESOURCES COMMITTEE

By consensus, Michael Nelson will be the Town of Carrboro's representative to the Triangle J Council of Governments Water Resources Committee.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE BOARD OF ALDERMEN ADJOURN AT 9:33 P.M. TO ENTER INTO EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION AND ACQUISITION OF LAND. VOTE: AFFIRMATIVE ALL.

Deputy Town Clerk



Mayor