

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 24, 1995 at 7:30 p.m. in the Town Hall Board Room.

**Present and presiding:**

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

**Absent:**

Alderman	Hank Anderson
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**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF JANUARY 17, 1995 BE APPROVED. VOTE: AFFIRMATIVE ALL

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**PUBLIC FORUM ON UNC LAND-USE PLANNING**

Diane Bloom, Chris Vanhasselt and Dan Coleman addressed the Board in support of a public forum on UNC land-use planning scheduled for April 22, 1995 and requested that the Town of Carrboro support the forum and contribute \$500.00 toward the cost of the forum.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MICHAEL NELSON THAT THE TOWN SUPPORT THE PROPOSED PUBLIC FORUM ON UNC LAND-USE PLANNING AND THAT \$500.00 BE ALLOTTED FROM THE CONTINGENCY FUND. VOTE: AFFIRMATIVE ALL

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**CULTURAL ARTS PLANNING WORKSHOP**

Fred Goode addressed the Board in support of a cultural arts planning workshop which would create a vision for the cultural arts in Orange County. Mr. Goode requested that the Town of Carrboro contribute \$100.00 toward this workshop.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JACQUELYN GIST THAT THE TOWN OF CARRBORO ENDORSE THE MISSION OF THE CULTURAL ARTS GROUP AND ALLOCATE \$100.00 FROM THE CONTINGENCY FUND FOR THE CULTURAL ARTS WORKSHOP. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (SHETLEY)

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**PUBLIC HEARING/REVIEW OF CVI RATES**

David Permer, attorney for Triangle J Council of Governments, stated that on August 12, 1994, CVI submitted to the Town of Carrboro FCC Forms 1200/1205/1215 which were dated August 13, 1994 and received by the town on August 15, 1994. The town has until February 5, 1995 to review the proposed new rates for basic service, equipment leasing, and installation costs. Mr. Permer answered the Board's questions concerning the rates proposed by CVI.

Steve Small, Chair of the Cable T.V. Committee, stated that the Cable T.V. Committee recommended approval of the proposed rates.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE MAYOR BE AUTHORIZED TO SIGN THE ORDER APPROVING CVI'S RATES, AS AMENDED TO INCLUDE THE FOLLOWING LANGUAGE: "THAT WITH ANY SUBSEQUENT COST OF FILING, CVI WILL BE REQUIRED TO PROVIDE FULL AND DETAILED INFORMATION ABOUT THE COMPANY'S CAPITAL STRUCTURE AND HOW THE CAPITAL STRUCTURE SUPPORTS THE PROPOSED OVERALL RETURN ON CAPITAL." VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GIST)

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**PUBLIC HEARING/AN ORDINANCE AMENDING THE OPEN SPACE REQUIREMENTS OF THE LAND USE ORDINANCE**

Lisa Bloom-Pruitt, the town's Senior Planner, presented a proposed ordinance amending the open space requirements of the Land Use Ordinance. The proposed ordinance rewrites Section 15-198, Open Space, to include the following: a statement of the purpose for open space, a basic definition of open space, types of spaces that satisfy the open space requirements, a 50% open space requirement, established mandatory set asides for types of open space, and 25% of the area of the development may be determined by the permitting agency from wooded areas; vistas, streams, ponds, wetlands, floodplain; 15% and greater slopes; other unusual natural features; and other environmental, historically or archaeologically significant or unique areas.

Robin Lackey, Chair of the Planning Board, resubmitted a recommendation from the Planning Board dated January 17, 1995 which stated that the Planning Board was not in favor of setting aside 50% of every development as open space. The Planning Board recommended the following approach to accomplish the town's goals:

- Require that all currently designated stream buffers and all slopes steeper than 15% be protected and designated as open space, regardless of the percentage of the development this encumbers, unless the strict provisions required to obtain a variance apply to a particular piece of property.
- If the foregoing protected areas constitute less than 15% to 20% of the project, require that additional land, up to a total of 15% to 20%, be set aside and designated as open space. The ordinance would require that priority be given to ranked categories of land such as:
  - contiguous wooded areas
  - pleasing open vistas (seen either from the road or within the development)
  - historically or archaeologically significant areas (even if there are structures or graves located there)
  - slopes between 8% and 15%
  - other areas that the Board might think of

With this approach the Board would still need to designate a minimum percentage of open space--currently the ordinance requires 15%, and actual open space is around 20%. Some members of the Planning Board would prefer not to designate a number at all, but instead simply define categories of land that must be protected from development. This would require the drafting of careful definitions, and could result in designation of such more than 20% on some properties, and less than that on others.

Margaret Brown encouraged the Board to adopt an open space ordinance. Ms. Brown presented a map depicting what Carrboro and its planning jurisdiction would look like if built-out under current zoning standards. Ms. Brown urged the Board to educate developers on how to design open space developments and presented a manual written by Randal Arendt on designing open space subdivisions. Ms. Brown stated that natural features should be preserved with development around those natural features.

Olivia Ludington stated that using GIS geographical maps could be created to determine what needs to be preserved. Ms. Ludington stated that there should be connecting corridors, a design guidebook should be used, and diversified housing types should be used.

Alex Zaffron stated that the town needs to explore inclusionary ordinances. The human equation and cost equation needs to be considered.

Maria Owens stated that if a 50% open space ordinance were required, affordable housing can be forgotten. The landowners will be the losers--developers will continue to make their money.

Haven Wiley, a UNC Biology professor, stated that there are lots of types of open space which are all needed. Conservation lands--small forests of 10 acres--do not contain the same wildlife species as larger 100-acre forests. Forests are a feature of our landscape. The entire landscape should be considered. Unbroken forests should be considered with inducements for conservation of lands and open space should be set aside for use by humans. Professor Wiley volunteered to have some of his students work with the town to prepare conservation maps.

Carla Ball stated flexibility is important and urged the Board to have a mechanism in place to evaluate each development on a case-by-case basis. Ms. Ball suggested passive uses of open space areas and cluster housing to allow for more open space.

Marti Mandell stated that Arcadia is an existing open space development. Ms. Mandell urged the preservation of open space and stated that it is the responsibility of the Board to balance land and people. Ms. Mandell urged the Board to adopt the 50% open space ordinance.

Chris Vanhasselt stated that the driving force behind development is the fact that the university has employees who can afford any price-range housing. Therefore, affordable housing should not be the only concern.

Neal Alderman, a resident of Fox Meadow, stated that equity is the crux of the matter. Increased densities to get open space would be good. Mr. Alderman suggested that the Board poll the residents of affected areas before adopting revisions to the open space ordinance.

It was the consensus of the Board to request that the town staff prepare a report on what the town staff can do as far as preparing conservation maps and that the town staff explore with Professor Wiley a time frame for preparing the conservation maps.

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### REPORT ON COOPERATIVE EFFORTS BETWEEN THE CARRBORO AND CHAPEL HILL FIRE DEPARTMENTS

Chief Murray stated that in February and March, 1994, the Carrboro Board of Aldermen and the Chapel Hill Town Council authorized the development of cooperative efforts between the Carrboro and Chapel Hill Fire Departments. As part of that authorization, the Boards requested periodic reports be presented to the governing bodies of the two towns. Chief Murray presented a report to the Board of Aldermen stating that the cooperative program has achieved success with both departments showing a positive attitude to the program and training efforts. Both short-term and long-range plans have demonstrated their potential in improved effectiveness and efficiencies for both towns. To date, the cooperation has not cost any additional funds and significant monetary savings are possible in the future.

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### CHARGE FOR SMALL AREA PLANNING WORK GROUP ORDINANCE DRAFTING COMMITTEE

Lisa Bloom-Pruitt stated that on December 6, 1994, the Planning Board Chair presented an update on the progress of the Small Area Planning Work Group (SAPWG). As part of this report, the Chair requested that the Board of Aldermen consider creating an ordinance drafting committee to prepare ordinances necessary to implement the recommendations of the SAPWG. The Board requested that the town staff and the Planning Board Chair prepare a charge for such a committee, and requested that the town staff gather information on other town's mixed use developments and rural villages. This information was presented to the Board for its review.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE FOLLOWING CHARGE BE ADOPTED FOR THE ORDINANCE DRAFTING COMMITTEE:

#### CHARGE FOR ORDINANCE DRAFTING COMMITTEE

##### DESCRIPTION

The Ordinance Drafting Committee shall be an ad hoc committee of the Board of Aldermen whose work shall begin following approval of the Small Area Planning Work Group's final report by the Board of Aldermen. The committee's work shall be completed within one year following its startup.

##### PURPOSE

The Ordinance Drafting Committee will:

1. Study and review the recommendations of the Small Area Planning Work Group.
2. Review the land use ordinance text and text amendments necessary to implement the Small Area Planning Work Group's recommendations as proposed by the Town Attorney.

3. Direct the Town Attorney and town staff to draft ordinance amendments and associated administrative policies and procedures that will enable the recommendations of the Small Area Planning Work Group to be implemented.
4. Recommend the adoption of such amendments and policies to the Board of Aldermen.

#### MEMBERSHIP

The Ordinance Drafting Committee shall consist of one or more interested individuals from the:

1. Board of Aldermen
2. Small Area Planning Work Group
3. Appearance Commission
4. Planning Board
5. Recreation and Parks Commission
6. Transportation Advisory Board

#### MEETINGS

Once a month/to be determined.

#### STAFF SUPPORT

Planning Department  
Town Attorney

The Board suggested that those advisory board representatives currently serving on the Small Area Planning Work Group might be the appropriate representatives to serve on the ordinance drafting committee.

VOTE: AFFIRMATIVE ALL

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#### APPOINTMENT TO PLANNING BOARD

The Chair of the Planning Board recommended that James Bateson be appointed to the vacant Transition Area seat on the Planning Board.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Michael Nelson.

#### A RESOLUTION REQUESTING AN APPOINTMENT TO A TRANSITION AREA SEAT ON THE CARRBORO PLANNING BOARD

Resolution No. 29/94-95

WHEREAS, as a result of a vacancy, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's Transition Area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Transition Area members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to a Transition Area seat on the Carrboro Planning Board whose term would expire in February, 1996:

Mr. James Thomas Bateson  
8105 Lair Court  
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 24th day of January, 1995:

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

Noes: None

Absent or Excused: Hank Anderson

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**AMERICAN STONE QUARRY EXPANSION**

Alderman Gist stated that there seemed to be some confusion about the Board's request to have the American Stone Quarry and residents surrounding the quarry meet with a neutral, third-party mediator to resolve the concerns of those residents concerning the expansion of the Stone Quarry.

David Rooks stated that OWASA would like to be involved in the mediation process and that OWASA had suggested that Carrboro participate in the mediation process.

It was the consensus of the Board to allow OWASA to participate in the mediation process between the Stone Quarry and the property owners surrounding the Stone Quarry, that the Town of Carrboro would not be involved in the mediation process, and the Town of Carrboro would not contribute financially toward the mediation process.

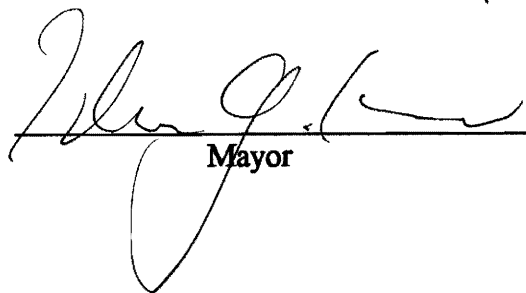
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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE BOARD GO INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

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MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THT THE MEETING BE ADJOURNED AT 11:35 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk