

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 18, 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 Attorney:	Michael B. Brough
Deputy Town Clerk:	James E. Spivey

**ABSENT:**

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

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MIKE NELSON THAT THE MINUTES OF APRIL 11, 1995 BE APPROVED. VOTE: AFFIRMATIVE ALL.

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**SCHOOL OVERCROWDING**

Livy Ludington, representing the organization, Stop Overcrowding Schools, addressed the Board concerning school overcrowding. Ms. Ludington informed the Board of the impact increased development has and is having on schools.

Matthew Barton, representing Stop Overcrowding School, distributed information to the Board regarding Carrboro's population growth and housing styles being developed in the Town. Mr. Barton's comments were in reference to school overcrowding.

It was the consensus of the Board to refer this matter to the Agenda Planning Committee to schedule a time that a representative(s) from the Stop Overcrowding Schools organization can make a formal presentation to the Board.

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**PUBLIC HEARING: LAND USE ORDINANCE AMENDMENT TO ALLOW POLICE PRESENCE FACILITIES IN ALL ZONING DISTRICTS**

Roy Williford, Planning & Economic Development Director, explained that the proposed amendment is being requested by the Police Department. Mr. Williford stated that the proposed amendment would change the Land Use Ordinance by adding a new subdivision that would allow police officers to periodically occupy pre-existing buildings to conduct official business in all zoning districts by right. If the proposed amendment is adopted, no zoning, special use, or conditional use permit would be necessary for police presence facilities to locate in any district.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW POLICE PRESENCE FACILITIES IN EVERY ZONING DISTRICT". VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO INFORM THE POLICE DEPARTMENT TO BE CAREFUL TO AVOID UNNECESSARY NOISE POLLUTION (POLICE CAR MOTORS RUNNING AND LOUD POLICE CAR RADIO TRANSMISSIONS) AND TRAFFIC CONGESTION WHILE IN RESIDENTIAL DISTRICTS. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

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**PUBLIC HEARING: REVIEW OF CABLEVISION RATES**

Robert Morgan, Town Manager, informed the Board that Time Warner Cable (Cablevision of Chapel Hill) submitted to the Town of Carrboro Form 1210 that was dated February 1, 1995 and received by the town on February 20, 1995. Also, Time Warner Cable submitted to the town Form 1205 that was dated February 28, 1995 and received by the town on March 2, 1995. Mr. Morgan stated that Robert F. Sepe reviewed the proposed Time Warner rate changes and submitted a report. Per Mr. Sepe's review and report, the administration recommended approval of the proposed basic service, equipment and installation charges.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO AUTHORIZE THE MAYOR TO EXECUTE ALL PERTINENT DOCUMENTS RELEVANT TO THIS MATTER. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

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**COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATIVE REQUIREMENTS**

James Harris, Community & Economic Development Officer, stated that in order to implement the 1994 Carrboro Scattered Site Revitalization Grant, the Town must prepare and adopt the following documents: a) An Anti-Displacement/Relocation Assistance Plan; b) Recipient's Plan to Further Fair Housing; c) Resolution to Further Fair Housing; d) Citizen Participation Plan; e) Resolution Concerning Community Development Code of Conduct; and f) Section 3 Plan for Employment Opportunities for Business and Lower-Income Persons. Mr. Harris explained the processes associated with each the aforementioned items.

MOTION WAS MADE BY MIKE NELSON AND SECONDED BY RANDY MARSHALL TO AUTHORIZE THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS REGARDING THIS MATTER. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

The following resolution was introduced by Alderman Mike Nelson and duly seconded by Alderman Randy Marshall.

**RESOLUTION OF COMMITMENT TO FURTHER FAIR HOUSING WITHIN  
THE TOWN OF CARRBORO**

Resolution No. 47/94-95

WHEREAS, the Town of Carrboro Board of Aldermen is familiar with Title VIII, Civil Rights Act of 1968, amended by the Housing and Community Development Act of 1974; and

WHEREAS, the Town of Carrboro Board of Aldermen is aware that they are obligated to be in compliance with the State Fair Housing Act, (under Chapter 41A of the General Statutes of North Carolina); and

WHEREAS, the Town of Carrboro Board of Aldermen will administer programs and activities relating to housing and urban development in a manner to affirmatively further fair housing.

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

Section 1. Agree to commit to fair housing within the Town of Carrboro jurisdiction and will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable in their efforts to further fair housing within the Town of Carrboro.

Section 2. James Harris, Community & Economic Development Officer, Town of Carrboro is hereby named Fair Housing Officer in order to provide counseling and referral services to persons having complaints about housing discrimination and housing conditions within the Town of Carrboro.

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 18th day of April, 1995.

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

NOES: None

ABSENT/EXCUSED: Hank Anderson

The following resolution was introduced by Alderman Mike Nelson and duly seconded by Alderman Randy Marshall.

**A RESOLUTION CONCERNING COMMUNITY DEVELOPMENT CODE OF CONDUCT**  
Resolution No. 48/94-95

WHEREAS, the Town of Carrboro is a recipient of community development block grant funds;

WHEREAS, there is an existing Community Development Code of Conduct, which is as follows:

**HATCH ACT**

No employee or agent of the Town of Carrboro may perform any function during work hours that is considered a political activity. This includes: soliciting votes, transporting voters, distributing campaign materials, working on or developing campaign materials, etc.

**DISCRIMINATION**

No person shall, on the grounds of race, creed, color, national origin, religion, sex, handicap, age or sexual orientation be excluded from participation in, be denied benefits or, or be subject to discrimination under any program or activity funded in whole or in part with Community Development Block Grant funds. Amendments to Title VIII of the Civil Rights Act of 1968 now include non-discrimination against families with children.

**ENGAGEMENT IN PROCUREMENT**

No employee, officer, or agent of the Town of Carrboro shall participate in the selection of or award of administration of a contract supported by Federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his immediate family;
- c. His or her partner; or
- d. An organization that employs or is about to employ, any of the above has a financial or other interest in the firm selected for award.

The grantee's officers, employees, or agents shall neither solicit nor accept gratuities, favors, nor anything of monetary value from contractors, potential contractors, nor parties to sub-agreements.

**CONFLICT OF INTEREST**

No employee, officer, or agent shall influence or attempt to influence the outcome of any case or matter in which he has a direct interest either personally or in the person of any relative by blood, marriage, or domestic partner. Employees or agents so involved shall abstain from dealing with such matters they may provide information at the request of the Town of Carrboro but shall not attempt to influence the decisions of the Town of Carrboro.

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

Section 1. The Board of Aldermen supports and approves of the Code of Conduct.

Section 2. 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 18th day of April, 1995.

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

NOES: None

ABSENT/EXCUSED: Hank Anderson

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**REQUEST FOR STOP SIGNS/ROBERT HUNT DRIVE**

Kenneth Withrow, Transportation Planner, stated that the Quarterpath Trace Homeowners' Association had requested that three-way stop signs be erected on Robert Hunt Drive at its intersection with Jasmine Court, as well as at the Robert Hunt Drive intersection with John Martin Court. In addition, the homeowners' association requested that four-way stop signs be erected at the intersection of Robert Hunt Drive with William White Court and Roger Cook Court. Mr. Withrow reviewed traffic counts and speed limits along the streets in question.

Joe Kretovics, Vice-President of the Quarterpath Trace Homeowners' Association, addressed the Board. Mr. Kretovics explained that the double signatures on the petitions were those of the president and vice-president's. He explained that speeding vehicles is a major concern of the residents of the neighborhood.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE DESIGNATING THREE-WAY STOP SIGNS AT THE INTERSECTIONS OF JASMINE COURT AND ROBERT HUNT DRIVE, AND JOHN MARTIN COURT AND ROBERT HUNT DRIVE. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE DESIGNATING A FOUR-WAY STOP SIGN AT THE INTERSECTION OF WILLIAM WHITE AND ROBERT COOK COURT WITH ROBERT HUNT DRIVE. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO ENCOURAGE THE POLICE DEPARTMENT TO MONITOR THIS AREA FOR TRAFFIC VIOLATORS. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

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**REPORT FROM PLANNING BOARD CHAIR ON CHAPEL HILL'S PUBLIC HEARING ON THE CHAPEL HILL NORTHWEST AREA SMALL AREA PLAN**

Robin Lackey, Chair of the Planning Board, provided the Board of Aldermen with information regarding a public hearing that Chapel Hill held on a draft Small Area Plan for their Northwest Area. Ms. Lackey stated that the Chapel Hill public hearing received basic support for the Chapel Hill plan. The Chapel Hill Town Council allowed for written comment until May 8, 1995 which is the date that the Council will take action. Ms. Lackey explained that three of the main points of the Chapel Hill plan are:

- ⇒ Uses for the Greene Tract include a Village development pattern primarily located on the Greene Tract along the rail line corridor. It also proposes affordable housing for a portion of the tract, and a new large Community Park in the northwest corner of the tract.
- ⇒ The Plan recommends developing a new land use and zoning category for an "Employment Campus" along Eubanks Road, near the Interstate 40 and N.C. 86 interchange and adopting design guidelines for the Employment Campus.
- ⇒ The Plan proposes a Transportation Corridor in coordination with the existing rail corridor that runs through downtown Carrboro and terminates on University property along Cameron Avenue. The Plan recommends another feasibility study of this Transportation Corridor to investigate short and long term options.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MIKE NELSON TO REFER THE CHAPEL HILL PLAN TO THE TRANSPORTATION ADVISORY BOARD AND PLANNING BOARD FOR COMMENT. VOTE: AFFIRMATIVE 6; NOES 0; ABSENT/EXCUSED 1 (ANDERSON).

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**REPORT FROM CHAPEL HILL-CARRBORO ANNEXATION BOUNDARY WORK GROUP**

Alderman Bryan, Co-Chair of the Chapel Hill-Carrboro Annexation Boundary Work Group, reviewed the Work Group's report for the Board. The report contained a recommendation for an annexation boundary agreement between Chapel Hill and Carrboro. The 20-year agreement, if adopted, will clearly define annexation limits between each town, will avoid situations where properties are split into two jurisdictions requiring separate land use permit approval, and will adjust the extraterritorial planning jurisdiction between the two towns to coincide with the proposed annexation boundary. In addition, the Work Group has proposed a resolution for establishing principles of protection for entranceways along Smith Level Road.

Roy Williford, Planning & Economic Development Director, displayed and explained maps depicting the existing boundary line and of the proposed boundary line. Also on the displayed maps were the properties that would require rezoning if the proposed boundary line is approved.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING BE SET FOR JUNE 13, 1995. VOTE: AFFIRMATIVE SIX, ABSENT ONE (ANDERSON)

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**SECOND READING/ORDINANCE AMENDING TOWN CODE/REGULATIONS FOR JUNKED VEHICLES**

Mike Brough, Town Attorney, reviewed a proposed ordinance that would amend the Town Code provisions dealing with junked vehicles. Per the Board's request, the proposed ordinance includes an appeals process, which was explained by Mr. Brough.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE PROVISIONS DEALING WITH JUNKED VEHICLES". VOTE: AYES 5 (Marshall, Kinnaird, Shetley, Gist, Bryan); NOES 1 (Nelson); ABSENT/EXCUSED 1 (Anderson)

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**TRAFFIC ON SHELTON STREET**

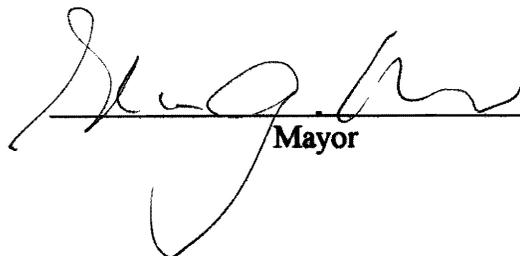
Alderman Bryan directed staff to investigate the possibility of prohibiting large truck traffic on Shelton Street.

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MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADJOURN AND GO INTO A CLOSED SESSION. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY FRANCES SHETLEY TO ADJOURN AT 10:50 P.M. VOTE: AFFIRMATIVE ALL.

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Mayor

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Deputy Town Clerk