

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 6, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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| Mayor | Eleanor Kinnaird |
| Aldermen | Michael Nelson |
| | Randy Marshall |
| | Hank Anderson |
| | 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 RANDY MARSHALL AND DULY SECONDED BY JAY BRYAN TO APPROVE THE MINUTES OF MAY 23, 1995 WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL

PROCLAMATION - YOUTH DAYS

Mayor Kinnaird read a proclamation proclaiming June 10th and 11th Youth Days in the Town of Carrboro. Mayor Kinnaird presented the proclamation to Hilliard Caldwell.

REQUEST FROM CARRBORO ELEMENTARY SCHOOL STUDENTS

Mallary Webb and Katherine Lane, presented a report about Carrboro streets that need to be repaired for use by bikers.

PRESENTATION BY FRANK PORTER GRAHAM KINDERGARTNERS

Trish Poythress introduced Hunter Pall who presented coloring books from the kindergartners at Frank Porter Graham Elementary School.

REQUEST FROM ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION REPRESENTATIVE

Alex Zaffron, the Town of Carrboro's representative on the Orange County Economic Development Commission, solicited the Board's input on the role of the Orange County Economic Development Commission.

Alderman Gist expressed the desire to hire local people and requested the Commission become more active in hiring local youth for summer employment.

Alderman Anderson requested a report on the work of the Orange County Economic Development Commission.

Mayor Kinnaird requested a complete map of the properties that are available for rent in Carrboro and requested the Orange County Economic Development keep the informed of prospective businesses.

Alderman Nelson asked what the role of the EDC will be since the JOBS programs has changed and requested the desire to see recycling businesses locate in Orange County

REQUEST FROM CITIZEN

Carla Ball, a Bolin Forest resident, expressed concern that Homescape Developers had cleared a lot in Bolin Forest where there were no silt fences installed. Ms. Ball expressed concern about the development taking place along Bolin Creek. Ms. Ball also expressed concern that no tree protection had taken place during the clearing of a lot on Pathway Drive.

Keith Lankford, Zoning Administrator, stated that Orange County Erosion Control does not require silt fences for individual lots, but the town requests that that silt fences be installed when several lots are cleared.

Jim Brandewie stated that Homescape Developers owns the lot on Pathway Drive that Ms. Ball expressed concern about, but that Mount Vernon Homes is developing that lot. Mr. Brandewie suggested that silt fences be required to be installed.

Mary Ayers suggested that surveyors give a slope cut-off to developers before clearing is begun.

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT TO ADD A NEW LAND USE CLASSIFICATION TO ALLOW COPY CENTERS/PRINTING OPERATIONS IN COMMERCIAL AND MANUFACTURING ZONING DISTRICTS

Drew Howell has submitted a land use ordinance amendment request to the town requesting that the Board of Aldermen consider amending the Land Use Ordinance by adding a new land use classification under 3.000 Office, Clerical, Research, and Services in the Table of Permissible Uses. The town staff recommended that the Board of Aldermen set a public hearing for June 20, 1995 to consider an amendment to the land use ordinance which would add a new land use classification to allow copy centers/printing operations in commercial and manufacturing zoning districts.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR JUNE 20, 1995. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/STREET CLOSING REQUEST/QUARTERPATH NEIGHBORHOOD PIG-PICKING

The Quarterpath Homeowners' Association has requested the closing of Roger Cooke Circle, William White Court and the Roger Cooke Circle/William White Court/Robert Hunt Drive intersection on Saturday, June 24th to accommodate a neighborhood pig-picking. The administration requested that a public hearing be set for June 20, 1995 to consider this request.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR JUNE 20, 1995. VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/NEWSOME SUBDIVISION

On April 25 and May 2, 1995, the Board of Aldermen held a public hearing to consider an application from Jim Brandewie for a conditional use permit which would allow for the development of 71 single-family, detached units in three phases on a 40.59-acre tract of land known as the former Newsome property. The hearing was continued until June 6, 1995 so that the town staff could gather additional information in response to several questions from the Board. The town staff has gathered the requested information and is recommending that the Board of Aldermen approve the conditional use permit.

Mayor Kinnaird entered letters from Margaret Polo de Bernabe'(speaking against), Joanne Harrell, Mary Ayers, and Michael Nalevaiko (speaking in favor) in reference to the Newsome Subdivision.

Wayne Hadler, representing the developer, introduced himself to the Board.

Jim Brandewie presented a revised site plan showing an increased open space of 1.5 acres. The dam will be eight to ten feet at its highest point. In addition, the revised site plan proposes a sidewalk along the entire frontage of the property down to McDougle Middle School and the new elementary school. The sidewalk is termed temporary because the proposed improvements to Hillsborough Road would probably replace this sidewalk. Mr. Brandewie stated that he is proposing to replace the driveway pipe at the Horne driveway to eliminate the problem with watering backing up at that location. Mr. Brandewie explained the proposed detention ponds using Warren Faircloth's suggestion by using a skimmer to retain the particulants in the detention pond. The detention ponds could be installed before any construction begins to prevent silt from going into the creek. The ponds would be retention ponds until build out and then the developer would clean out the ponds at build out

and convert them to detention ponds. Mr. Brandewie stated that the dark green areas on the revised site plan indicate trees that will remain on the site.

Mike Hughes stated that skimmers have been used in Columbia Place in Chapel Hill. The rate of run-off is controlled by the value in the retention pond and the skimmer. The retention pond would be cleaned out during a dry period of time.

Mike Hughes presented an overhead slide of the proposed revised site plan showing how three lots have been deleted. Mr. Hughes stated that the height of the dam will be 10 feet at the centerline. Mr. Hughes pointed out the original clearing limits and explained where he thought the revised clearing limits would be located and presented a cross section of the dam.

Jim Brandewie stated that they will do minimal clearing. Mr. Brandewie stated that Mike Hughes lives on site and Mike Nalevaiko, who works with Homescape Development, lives on site and will be overlooking the development.

Marek Kossowski, a resident of 103 Bruton Drive, stated that he feels the changes have not impacted the water flow through the back yards. Mr. Kossowski stated that he feels the changes are mostly aesthetic.

It was the consensus of the Board to continue the public hearing to May 13th with the request that the neighbors present a response to the developer by Monday morning to give the developer until Tuesday night to respond.

Scott Yardley, the town's consulting engineer, presented an overhead of the watershed containing 365 acres. Mr. Yardley stated that 222 acres of this watershed drain to the Horne driveway pipe which is grossly undersized. There are ten subsheds draining to the Horne driveway. If ponds are constructed, the rate of run-off is controlled. The drainage problem will be improved with the construction of the detention ponds. Mr. Yardley suggested that a 10-foot by 3-foot channel be constructed with a bridge at the Horne driveway to replace the current driveway pipe.

PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION REQUEST/711 W. ROSEMARY STREET

John Dunkle has applied for a major modification to the conditional use permit which was issued by the Board of Aldermen on January 5, 1995 for 711 West Rosemary Street. The modification would allow for indoor and outdoor on-premises dining. The administration recommended approval of the modification, that the parking space which had previously been deleted from the site plans now be added back to the plans, and that a deviation in the parking requirements be granted for the remaining six parking spaces, but that the applicant should continue to seek additional satellite parking spaces.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented an overhead slide of the proposed modification.

Murray Holland was sworn in. Mr. Holland addressed the parking problem in this area. Mr. Holland stated that people park in the closest place that they can. Mr. Holland requested that the Board not allow a deviation in the parking requirement.

James Harris, the town's Community and Economic Development Officer, was sworn in. Mr. Harris stated that 14 parking spaces will be made available in the Midway Parking Lot. Mr. Harris stated the town would like to offer Mr. Dunkle the opportunity to lease some of the parking spaces in this lot. Mr. Harris suggested that the Board consider reducing the rate for leasing these spaces.

John Dunkle was sworn in. Mr. Dunkle stated that the parking spaces would be for customer parking only. Parking for the office spaces will be off-site. Mr. Dunkle requested a waiver of the fee for the modification since they had initially asked for indoor and outdoor dining.

Alderman Marshall suggested that Mr. Dunkle put his request for a fee waiver in writing to the Board for consideration.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO GRANT THE MODIFICATION, THAT THE PARKING SPACES BE MARKED FOR CUSTOMER PARKING ONLY, AND THAT THE PARKING SPACE WHICH HAD PREVIOUSLY BEEN DELETED FROM THE SITE PLANS BE ADDED BACK TO THE PLANS. VOTE: AFFIRMATIVE ALL

1995-96 BUDGET RECOMMENDATIONS/HUMAN SERVICES COMMISSION

Christine Taylor, Chair of the Human Services Commission, presented the Commission's recommendations for the 1995-96 fiscal year.

REVOLVING LOAN FUND REQUEST/CARRBURITO'S TAQUERIA

James Harris stated that the purpose of this item was to present to the Board of Aldermen an application submitted by Bill and Gail Fairbanks for \$40,000 from the Revolving Loan Fund to open Carrburito's Taqueria at 711 West Rosemary Street. The recommended term is 10 years for 6% with the following conditions: that all applicable licenses and permits be obtained, that the employer ID number be provided and the privilege license obtained, that a copy of the Articles of Incorporation be provided, that a signed and acceptable lease be provided, and that a commitment from a conventional lender be obtained for a \$40,000 term loan under acceptable terms and conditions, and that the town be added to the applicant's life insurance policy

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE LOAN IN THE AMOUNT OF \$40,000 BE APPROVED FOR 10 YEARS A5 6% INTEREST WITH THE FOLLOWING CONDITIONS:

1. That all applicable licenses and permits be obtained;
2. That the employer ID number be provided and a privilege license be obtained;
3. That a copy of the Articles of Incorporation be provided;
4. That a signed and acceptable lease be provided;
5. That the applicant obtain a commitment from a conventional lender for a \$40,000 term loan under acceptable terms and conditions; and
6. That the town be added to the applicant's life insurance policy.

AFFIRMATIVE ALL

MEMORANDUM OF UNDERSTANDING WITH OWASA

The Board of Aldermen authorized the Mayor to send a proposed Memorandum of Understanding (MOU) between the town and OWASA Board of Directors to the OWASA Board of Directors. The OWASA Board met on April 13, 1995 and considered the proposal. The memorandum MOU was revised and approved unanimously by the OWASA Board. The purpose of this agenda item was to consider the revised MOU.

MOTION WAS MADE BY JACQUELYN GIST TO APPROVE THE MEMO OF UNDERSTANDING. (MOTION DIED FOR THE LACK OF A SECOND.)

It was the consensus of the Board to request the Town Attorney to prepare the necessary land use ordinance amendment which would require OWASA to comply with the conditions of the proposed memorandum of understanding.

HEALTH INSURANCE FOR TOWN EMPLOYEES FOR FISCAL 1995-96

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL TO CONTINUE THE PRESENT LEVEL OF BENEFITS WITH KAISER, THAT HEALTHSOURCE BE OFFERED AS A REPLACEMENT FOR THE BLUE CROSS PCP AND PPO PLANS, THAT THE TOWN CONTRIBUTE \$163.23 PER MONTH AND THAT THE TOWN BEAR ANY EXPENSE THAT MAY BE ASSOCIATED WITH ADDING COVERAGE FOR DOMESTIC PARTNERS TO THE KAISER PLAN, IF SUCH EXPENSE OCCURS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (NELSON)

TOLLING ORDER/CVI

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY RANDY MARSHALL THAT THE BOARD APPROVE A TOLLING ORDER EXTENDING FCC-1210 REVIEW PERIOD 90 DAYS BEYOND INITIAL DATE OF SUBMISSION TO THE TOWN OF CARRBORO, SEPTEMBER 22, 1995. VOTE: AFFIRMATIVE ALL

POSTAL SURVEY

Mr. Morgan presented a copy of the survey the Postal Service is proposing to send out to affected residents to determine their interest in having the Carrboro Post Office deliver their mail.

The Board requested that the Postal Service clarify the areas that will be surveyed, requested that the new post office address be used rather than the South Greensboro Street location, and requested that the survey indicate that rural routes would not be used any longer. The Board requested an opportunity to meet with the Greensboro Postal officials prior to the survey being sent out.

BUDGET AMENDMENT

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY FRANCES SHETLEY TO ALLOCATE \$1,500 FROM THE CONTINGENCY FUND TO ALLOW FOR SLATS TO BE PLACED IN THE FENCE ALONG THE LIBBA COTTEN BIKEPATH. VOTE: AFFIRMATIVE ALL

CHANGE OF MEETING TIME

It was the consensus of the Board to begin the June 13th meeting of the Board of Aldermen at 6:30 p.m. and that consideration of the budget be discussed from 6:30 p.m. to 7:30 p.m.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE MEETING BE ADJOURNED AT 11:05 PM AFFIRMATIVE ALL

Sarah C. Williamson
Town Clerk

[Signature]
Mayor