

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 13, 1995 at 6:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	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
ABSENT:	Michael Nelson

**BOARD DIRECTS MANAGER TO PREPARE REVISED BUDGET FOR FISCAL 1995-96**

This matter was presented to assist the Mayor and Board of Aldermen in arriving at consensus on changes that they would like made in the Manager's Recommended Budget for Fiscal 1995-96. By consensus, straw vote, the following actions were taken:

The Board directed the manager to revise the proposed budget for FY 1995-96 to include the following:

ITEM	AMOUNT	TAX RATE EQUIVALENT
Youth Coordinator	\$15,000	0.3076923
Community Police Station	4,500	0.0923077
Call Taker	24,845	0.509641
3 Firefighters	81,688	1.6756513
5 Breathing App/Air Tanks	9,750	0.2
Hose Tester	1,400	0.0287179
Elimination of Part-Time (Fire Dept.)	(36,894)	-0.7568
Town Engineer Retainer	17,500	0.3589744
1/2 Program Support Assistant (Pub. Wks.)	4,573	0.0938051
Safety Equipment	20,000	0.4102564
Heat/Vacuum Applicator	3,427	0.0702974
Reduction in Street Resurfacing	(40,000)	-0.820513
Fuel Tank Replacement	24,500	0.5025641
Vertical Map Storage	4,200	0.0861538
1/2 Program Support Assistant (Pk & Rec)	4,093	0.083959
Computer System	3,625	0.074359
Resurface Community Pk. Tennis Courts	7,500	0.1538462
Replacement of Play Equipment	8,000	0.1641026
Across the Board Salary Increases	92,850	1.9046154
1% Increase in 401K Benefit	24,000	0.4923077
Reserve for Sewer Improvements	20,000	0.4102564
Junior League After School Program	3,835	0.0786667
Dependent Health Insurance (50% Subsidy)	50,000	1.025641
Parks Plan	48,750	
Reduce Public Works Capital Improvements		-\$0.01

There was no Board consensus on the following items:

ITEM	AMOUNT	TAX RATE EQUIVALENT
Mediation Services	\$3,500	0.0717949
Mediation Training	5,000	0.1025641
Pay/Classification Study	10,000	0.2051282
Increase in Landfill Fee (from \$28.50 to \$31)	18,750	0.3846154
School Crossing Guard (Carrboro Element.)	2,950	0.0605128
Investigative Officer	37,542	

The Board did not take a consensus vote on the following items:

ITEM	AMOUNT	TAX RATE EQUIVALENT
Snow Plow/Spreader	\$ 5,673	0.1163692
Communities in Schools	3,500	0.0717949
Triangle Free Net	4,500	0.0923077

The manager is to revise the proposed budget for FY 1995-96 and present the revised budget on June 27, 1995.

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**APPROVAL OF MINUTES OF PREVIOUS MEETING: JUNE 6, 1995**

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF JUNE 06, 1995 BE APPROVED. VOTE: AYES: 6; NOES 0; ABSENT/EXCUSED 1 (Nelson)

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**VICTIM'S REQUEST**

A young woman who was sexually assaulted on July 09, 1994 addressed the Board stating that the Carrboro Police Department is grossly understaffed and that the Department does not have some of the basic crime scene processing equipment necessary to collect evidence from a crime scene. The victim presented a resolution, "Resolution on Joint Emergency Rape Response Team", for the Board's consideration. The resolution requested that an additional detective position be added, that crime scene processing equipment be updated and to include a camera, invest in a one-to-one copy stand, invest in a police dog, invest in equipment to lift fingerprints from screens and other textured surfaces, and establish an intergovernmental (Carrboro, Chapel Hill, UNC, and Orange County) police "Emergency Rape Response Team" which could implement a database of information regarding rapes. The victim requested that she be allowed to be a part of the intergovernmental process.

The Board referred this matter to staff and directed that staff present a response to the Board before the Board's summer break. The victim is to be contacted regarding the process of establishing an intergovernmental rape response team.

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

The Board of Aldermen reviewed letters, point by point, received from Stephanie Padilla, resident at 103 Autumn Drive; Katherine Cole, resident at 208 Barington Hills Road; and Marek Kossowski and Richard Ellington. These citizens made comments and suggestions regarding the proposed Newsome Subdivision relating to the developer's revised site plan. The Board also received a letter from Margaret Polo de Bernabe, resident at 111 Bruton Drive.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY TO APPROVE THE CONDITIONAL USE PERMIT FOR THE NEWSOME SUBDIVISION WITH THE FOLLOWING CONDITIONS:

1. That the developer petition for voluntary annexation on a phase-by-phase basis prior to final plat approval of each phase.

2. That the developer obtain the remaining sections of the necessary sewer easements which are shown on the plans as "under discussion with the property owners" prior to construction plan approval.
3. That the OWASA easement on the eastern edge of the property (between Lots 25 and 26) be preserved as a pedestrian path.
4. That mildew resistant Crepe Myrtle (*Lagerstoemia Indica*) be used where the site plan references the plantings of several multi-stemmed flowering shrubs.
5. That an adequate Type "A" screen be installed along the northern and eastern sides of the clubhouse using redbuds (*Cercis Canadensis*) in addition to the proposed wax myrtles (*Myrica Cerifera*).
6. That the developer should maintain the oaks at the front of the project as is currently proposed.
7. That the developer should attempt to "naturalize" the detention pond rather than having a "maintained" look with just grass. This should be balanced with the need to maintain the holding and drainage capability of the pond by avoiding an accumulation of plant litter.
8. That the proposed overflow parking lot shown on the southwest side of the clubhouse should not be paved. Instead it should have a grass cover and no curb and gutter. The main parking lot can stay as proposed, with paving and curb and gutter.
9. That as much fencing as possible in the project should have a rustic "farm" look, rather than being a chain link fence. Any remaining chain link fences could be softened with an evergreen vine like Carolina Jasmine (*Gelsemium Sempervirens*).
10. That the entryway to the project should avoid the use of solid walls, especially ones constructed of brick.

VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE DEVELOPER INSTALL CURB, GUTTER AND SIDEWALK, AS WELL AS WIDEN THE ROADWAY TO ONE-HALF OF A 36-FOOT CROSS SECTION (WITH BIKE LANE) ALONG THE FRONTAGE OF THIS DEVELOPMENT ALONG OLD N.C. 86 BY THE END OF 1998 OR PRIOR TO FINAL PLAT APPROVAL OF PHASE 3. AND THAT A SIDEWALK BE CONSTRUCTED FROM THE NEWSOME SUBDIVISION DOWN HILLSBOROUGH ROAD TO A POINT OPPOSITE THE ENTRANCE TO THE MCDUGLE MIDDLE SCHOOL AND THAT THIS SIDEWALK BE CONSTRUCTED PRIOR TO ISSUANCE OF THE FIRST OCCUPANCY PERMIT. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE DEVELOPER BE RESPONSIBLE FOR REPLACING THE DRAIN PIPES UNDER THE HORNE DRIVEWAY AS INDICATED IN MR. HADLER'S LETTER DATED JUNE 5, 1995. AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT DETENTION POND NUMBER ONE WHICH IS LOCATED IN THE SOUTHERN PORTION OF THE PROPERTY, BE MOVED BACK 30 TO 50 FEET FROM THE DAM SHOWN ON THE REVISED SITE PLANS SO THAT THE DAM FACE WILL CONFORM WITH THE NATURAL CONTOURS OF THE STEEP SLOPES AND MINIMIZE THE AMOUNT OF CLEARING ON THE FLOOR OF THE PHASE 3 DRAINAGE BASIN AND THAT THE MAXIMUM HEIGHT OF THE DAM BE TEN FEET. VOTE: AFFIRMATIVE THREE; NEGATIVE THREE (MARSHALL, KINNAIRD, SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE OUTFLOW AREA OF DETENTION POND NUMBER ONE BE LINED WITH RIP RAP, BUT THAT THE EXISTING NATURAL CHANNEL SHOULD NOT BE DISTURBED. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A SWALE WITHIN THE 30-FOOT SEWER EASEMENT BE INCORPORATED BELOW THE LOWER LOTS TO CATCH THE STORM WATER FROM THESE LOTS, THAT THE SWALE BE LEVEL AND APPROXIMATELY 20 FEET WIDE AND ONE FOOT DEEP, SUBJECT TO OWASA'S APPROVAL. VOTE: AFFIRMATIVE THREE; NEGATIVE THREE (MARSHALL, KINNAIRD, SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT A PLUNGE POOL (AS DESCRIBED BY THE TOWN'S CONSULTING ENGINEER AT TONIGHT'S MEETING) BE CONSTRUCTED AT THE APPROPRIATE LOCATION ON THE NORTHEAST SECTION OF THE PROPERTY. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A RETENTION POND BE CREATED AND LOCATED IN THE OPEN FIELD NEAR LOTS 27 AND 28 IN THE NORTHEAST SECTION OF THE PROPERTY. VOTE: AFFIRMATIVE THREE; NEGATIVE THREE (MARSHALL, KINNAIRD, SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN THAT DETENTION POND NUMBER TWO, LOCATED IN THE NORTHWEST CORNER OF THE PROPERTY, BE MOVED COMPLETELY OUT OF THE STREAM BUFFER AND THAT THE SAME NUMBER OF TREES BE SAVED AS WOULD HAVE BEEN SAVED, IF THE DETENTION POND REMAINED IN THE LOCATION INDICATED ON THE ORIGINAL SITE PLANS. VOTE: AFFIRMATIVE THREE; NEGATIVE THREE; ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT DETENTION POND NUMBER TWO BE MOVED COMPLETELY OUT OF THE STREAM BUFFER. VOTE: AFFIRMATIVE THREE; NEGATIVE THREE (MARSHALL, KINNAIRD, SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE LOCATION AND SIZE OF THE NORTHERN DETENTION POND BE DESIGNED TO CUT AS FEW TREES AS POSSIBLE AND THAT THE POND BE LOCATED OUT OF THE STREAM BUFFER, IF POSSIBLE. VOTE: AFFIRMATIVE THREE; NEGATIVE THREE (ANDERSON, GIST, BRYAN); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT IF THE BOARD OF ALDERMEN APPROVES CHANGES TO THE RIGHT-OF-WAY AND ROAD WIDTH REQUIREMENTS THAT MIGHT AFFECT THIS DEVELOPMENT (PARTICULARLY THE SUBCOLLECTOR KNOWN AS GUEST HOUSE TRAIL), THAT THE DEVELOPER BE ALLOWED TO REQUEST A CONDITIONAL USE PERMIT MODIFICATION WHICH WOULD REFLECT THOSE REDUCTIONS. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON THAT STRUCTURES ON LOTS 26-38 BE LOCATED AS CLOSE AS POSSIBLE TO THE FRONT SET-BACK LINES AND MOVE THEM OUT OF THE FOREST BUFFER AND THERE BE A 20-FOOT UNDISTURBED BUFFER LOCATED ACROSS THE BACK OF THESE LOTS. VOTE: AFFIRMATIVE FIVE; NEGATIVE ONE (SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT GUESS HOUSE TRAIL BE MOVED NEARER LOTS 39, 40 AND 41 SO AS TO PLACE LOTS 34-38 FARTHER UP FROM THE STREAM BUFFER. VOTE: AFFIRMATIVE FOUR; NEGATIVE TWO (KINNAIRD, SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT SKIMMERS BE USED ON THE DETENTION PONDS AND THAT AFTER THEIR USE AS RETENTION PONDS, THAT THE DEVELOPER CONVERT THEM TO DETENTION PONDS AND BE RESPONSIBLE FOR CLEANING THEM OUT, REMOVING THE SEDIMENT, STABILIZING THEM WITH GRASS AND IF NECESSARY, RIP RAP. VOTE AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE DEVELOPER FOLLOW THE AGREEMENT MADE BY THEIR ATTORNEY, MR. HADLER, REGARDING SILT PROTECTION AND EROSION CONTROL, INCLUDING THE REQUIREMENT THAT THERE BE SILT FENCING ALONG THE LOTS ALONG THE STREAM BUFFER UNTIL THE FIRST GRASS CUTTING. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE CURB AND GUTTER BE REMOVED AND REPLACED WITH SWALES ALONG GUESS HOUSE TRAIL. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT IF EITHER OF THE STREAMS BECOMES MUDDY OR FLOODS DUE TO THE DEVELOPMENT OF THIS PROPERTY, THE DEVELOPER, WHETHER OR NOT HE OWNS THE LOTS, IS RESPONSIBLE FOR THOSE ACTS AND SHALL RECTIFY THOSE PROBLEMS IMMEDIATELY. VOTE: AFFIRMATIVE FOUR; NEGATIVE TWO (MARSHALL, SHETLEY); ABSENT/EXCUSED 1 (NELSON).

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING: ANNEXATION AGREEMENT AND REZONING**

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THIS PUBLIC HEARING BE CONTINUED UNTIL JUNE 20, 1995. VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (Nelson).

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**PUBLIC HEARING: REVIEW OF MERGER OF CABLEVISION INDUSTRIES (CVI) WITH TIME WARNER**

Cablevision Industries (CVI) submitted to the Town of Carrboro Form 394 dated April 24, 1995. The town has reviewed the transfer of ownership of CVI to Time Warner. The purpose of this item is to accept public comments on the transfer of ownership, review the consultant's report and adopt the order which gives the town's approval of the transfer of ownership.

Steve Small, Chair of the Cable T.V. Committee, stated that the Cable T.V. Committee negotiated a non-compliance situation concerning a local origination studio with CVI. The settlement provides that Alert will make a \$60,000 payment to the Town in lieu of providing a studio and equipment as required by the franchise agreement. The payment will be made in two installments of \$30,000 each. The first installment would be made upon the Town's acceptance of the proposed settlement and the second installment would be made in January 1996. Additionally, the settlement states that Alert will provide a statement from Time Warner that the Chapel Hill access studio will be available to the Town of Carrboro and its residents. Mr. Small stated that the Cable T.V. Committee recommends that the Board approve the non-compliance settlement and request that the Committee has some input as to how the money from this settlement is spent. Additionally, Mr. Small requested that the public hearing be continued until August 08, 1995 to allow all parties time to consider the revised resolution regarding the transfer of ownership.

Robert Sepe, cable television consultant for the Town, reviewed the report he submitted regarding the transfer of ownership and he explained the future requirement of converter boxes for all recipients of cable television transmissions.

Marla Durell, Vice-President of CVI, addressed the Board requesting that the public hearing be continued.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST THAT THE NON-COMPLIANCE SETTLEMENT BE ACCEPTED. VOTE: AFFIRMATIVE 5 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (Nelson).

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE PUBLIC HEARING BE CONTINUED UNTIL AUGUST 08, 1995. VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (Nelson).

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**PUBLIC HEARING: REVIEW OF CVI'S INSTALLATION AND EQUIPMENT RATES**

Cablevision Industries (CVI) submitted to the Town of Carrboro Form 1205 which was dated March 29, 1995 and received by the town on March 31st. The town has to review the new installation and equipment rates. This public hearing is to receive public comment.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST THAT THE MANAGER TO AUTHORIZED TO EXECUTE THE RATE ORDER REGARDING INSTALLATION AND EQUIPMENT RATES. VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (Nelson).

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**REQUEST FOR EXTENSION OF CONDITIONAL USE PERMIT/RIDGEHAVEN**

Gary Buck has requested a one-year extension of the conditional use permit for the Ridgehaven Townhomes project which was approved by the Board of Aldermen on June 23, 1992. The project was granted a one-year extension on May 17, 1994. No work has begun on this project and the permit will on June 23, 1995 unless an additional one-year extension is granted by the Board of Aldermen. The administration recommends that the Board of Aldermen approve the one-year extension of the permit.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO APPROVE A ONE-YEAR EXTENSION OF THE CONDITIONAL USE PERMIT FOR THE RIDGEHAVEN TOWNHOMES PROJECT. VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (Nelson).

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**WAIVER POLICY FOR EASY-RIDER BUS PASSES**

Ellen Perry has requested that the Mayor and Board of Aldermen to consider adopt a policy to waive transit fees for those who cannot afford to purchase an annual bus pass. The Board directed that the town staff investigate such a policy. The purpose of this agenda item is to give the Board a status report on the policy so the budgetary implications may be considered.

The Board postponed taking action on this matter until June 27, 1995.

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**TOLLING ORDER**

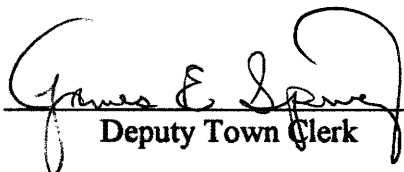
Robert Morgan, Town Manager, requested permission to execute a tolling order from Time Warner which would allow a ninety-day extension to review cable rates.

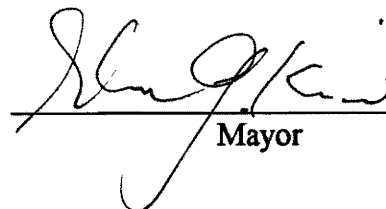
MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE TOLLING ORDER REGARDING A NINETY-DAY EXTENSION TO REVIEW CABLE RATES. VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1 (Nelson).

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MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE MEETING BE ADJOURNED AT 12:30 A.M. VOTE: AFFIRMATIVE 6 (Marshall, Anderson, Kinnaird, Shetley, Gist, Bryan); NOES 0; ABSENT/EXCUSED 1(Nelson).

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Deputy Town Clerk

  
Mayor