A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 27, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Aldermen Eleanor Kinnaird Michael Nelson

Randy Marshall Hank Anderson Frances Shetley Jacquelyn Gist

Jay Bryan

Town Manager Town Clerk Robert W. Morgan Sarah C. Williamson

Absent:

Town Attorney

Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE MINUTES OF JUNE 13 AND JUNE 20, 1995 BE APPROVED. VOTE: AFFIRMATIVE ALL

CITIZEN COMMENTS/DOMESTIC PARTNER REGISTRATION

Frank King expressed his disagreement with the Board's action to allow registration of domestic partners.

FUNDING REQUEST/CARRBORO ELEMENTARY SCHOOL

Carol Cantrell, representing the Carrboro School Governance Committee, requested the Board to consider the School's request for an additional school crossing guard.

PUBLIC HEARING SET/GUN CONTROL STUDY COMMITTEE'S REPORT AND RULES FOR CONDUCTING HEARING

The Agenda Planning Committee has scheduled the public hearing to receive comments on the Gun Control Committee's Report for August 15, 1995 at Carrboro Elementary School. The Board was requested to officially set this public hearing and establish guidelines for conducting the public hearing.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR AUGUST 15, 1995. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN TO POST THE PUBLIC HEARING GUIDELINES FOR THE GUN CONTROL PUBLIC HEARING. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, ANDERSON, KINNAIRD, SHETLEY)

PUBLIC HEARING SET/CVI'S CABLE RATES

On May 16, 1995, Cablevision Industries, CVI) submitted Form 1210 to the Town of Carrboro. The purpose of this item was to set a public hearing to receive public comments on the new rates.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR AUGUST 8, 1995. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/CONDITIONAL USE PERMIT MINOR MODIFICATION/SPRING VALLEY SUBDIVISION

The Spring Valley Homeowners Association has requested a minor modification on behalf of Sue Millager, owner of 406 Waterside Drive, to the conditional use permit issued by the Board of Aldermen on February 28, 1984 for the Spring Valley Subdivision. The modification would allow for the re-allocation of one previously approved, but unbuilt, basement apartment from another lot in the subdivision to her lot. The administration recommended that the Board of Aldermen set a public hearing for August 8, 1995 to consider this matter.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO SET PUBLIC HEARING FOR AUGUST 8, 1995. VOTE: AFFIRMATIVE ALL

REQUEST FOR CONDITIONAL USE PERMIT MODIFICATION/TOWN COMMONS PROJECT

The purpose of this item was to consider an amendment to the conditional use permit for the Town Commons project. The request involves widening the proposed walkway to allow farmers to drive out onto the field and park. The additional parking is for vendors who will not be assigned a vendor space under the market structure, the bandstand or the trellises. In addition, the administration has prepared a policy on vendor parking on the grass area of the market for the Board's consideration.

Alex Hitt stated that it is in the best interest of the Farmers' Market to keep the town commons beautiful.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO APPROVE THE FOLLOWING SITE PLAN MODIFICATIONS:

- a. Widen the walkway from four feet to nine feet, with the base material increased from four inches of Chapel Hill Gravel to a combination of four inches of ABC stone and three inches of Chapel Hill Gravel;
- b. That the mounds be removed and that the trees be relocated;
- c. That the sidewalk which is located between the southern property line and the playground be removed;
- d. That an eight-foot wooden fence be installed along the southern property boundary.
- d. That the parking plan be modified to allow vehicles to park on the field with the condition that the policy on the use of the Town Commons for parking be adhered to; and
- e. That parking spaces 17 through 34 not accommodate vehicles.

IN ADDITION, THAT THE POLICY ON USE OF THE TOWN COMMONS FOR PARKING BE APPROVED AND THAT THE POLICY BE REVIEWED AT THE END OF THE 1995 MARKET YEAR. VOTE: AFFIRMATIVE ALL

ACCEPTANCE OF THE FOREST COURT ALLEY

A 60-foot alley exists between 310 and 400 Bolin Creek Drive. The property owners of 310 and 400 Bolin Creek Drive (Christianna Parham and Karl Ken Kanoy and Lori J. Riley Graves and Lee M. Graves) have requested that this alley be permanently closed and to vest all right, title and interest in the alley's right-of-way to them. In order to permanently close this alley, the town has to accept the alley and then hold a public hearing.

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

A RESOLUTION ACCEPTING THE ALLEY,
DECLARING THE INTENT OF THE BOARD OF ALDERMEN TO CLOSE
THE 60' ALLEY KNOWN AS THE FOREST COURT ALLEY,
AND SETTING A PUBLIC HEARING
TO HEAR ALL PERSONS INTERESTED IN THIS ALLEY CLOSING
Resolution No. 62/94-95

Carrboro Board of Aldermen June 27, 1995

WHEREAS, a plat recorded in Plat Book 33 at Page 42 on February 10, 1981 showing a 60' alley adjacent to Bolin Creek Drive constitutes an offer of dedication;

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

- Section 1. The Board of Aldermen hereby accepts the 60' alley adjacent to Bolin Creek Drive and the alley will now be known as the Forest Court Alley.
- Section 2. The Board of Aldermen hereby declares its intention to close the 60' alley known as the Forest Court Alley.
- Section 3. The Board of Aldermen shall hold a public hearing on the proposed alley closing at its regular meeting on August 8, 1995.
- Section 4. This resolution shall be published once a week for four successive weeks prior to the hearing and a copy shall be sent by certified mail to the persons who, according to the county tax records, own property adjoining the Alley that is proposed to be closed. In addition, a notice of the proposed closing and public hearing thereon shall be prominently posted in at least two places along the Alley to be closed.
- Section 5. Should the alley be closed as proposed, then all right, title and interest in the right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the alley identified by PIN 9779-61-1943 and PIN 9779-61-0797 according to county tax records, and the title of such landowners identified by PIN 9779-61-1943 and PIN 9779-61-0797, for the width of the abutting land owned by them, shall extend to the center line of said street.
 - Section 6. 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 27th day of June, 1995:

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

Noes: None

Absent or Excused: None

WAIVER POLICY FOR E-Z RIDER BUS PASSES

Ellen Perry has requested that the Mayor and Board of Aldermen consider adopting a policy to waive transit fer for those who cannot afford to purchase an annual E-Z Rider bus pass. The Board directed that the town staff investigate such a policy. Mr. Morgan presented a user fee waiver and fee reduction policy for the Board's consideration.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY MICHAEL NELSON TO APPROVE THE E-Z RIDER USER FEE WAIVER POLICY AND THAT \$1,000 BE INCLUDED IN THE TRANSPORTATION BUDGET FOR 1995-96. VOTE: AFFIRMATIVE ALL

ADOPTION OF OPEN SPACE ORDINANCE

The purpose of this agenda item was to give the Board an opportunity to review information prepared by the town staff in response to the Board's request for conservation maps, and for the Board to consider whether or not to amend Sections 15-198, 15-199 and 15-200 and related sections/subsections of the land use ordinance regarding open space requirements.

Roy Williford, the town's Planning and Economic Development Director, made a presentation shows conservation maps.

Nick Henneson, with the Durham-Chapel Hill Home Builders Association, stated that the Home Builders Association was against the "meat ax" approach by requiring 50% open space without taking into account the specific situation. Constraints drive up the cost of development. Clustering does move toward affordability. The Home Builders would philosophy oppose inclusionary zoning.

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MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE OPEN SPACE REQUIREMENTS OF THE LAND USE ORDINANCE," WITH THE FOLLOWING CHANGES:

- a. That the percentage of open space be set at 40%;
- b. That golf courses be deleted from Subsection 15-198(b)(3)(c); and
- c. That Subsection 19-198(f) be amended to read as follows: "Subject to subsection (g), if a tract where a residential development is proposed contains any portion of an area identified in the Carrboro Conservation Map or Inventory of Natural Areas and Wildlife Habitat of Orange County, then such area shall be designated as open space

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, ANDERSON, SHETLEY)

ADOPTION OF 1995-96 BUDGET, PAY PLAN AND MISCELLANEOUS FEES AND CHARGES SCHEDULE

The purpose of this item was to assist the Mayor and Board of Aldermen in arriving at consensus on changes, additions to, and/or deletions in the Manager's recommended budget for the 1995-96 fiscal year. N.C. General Statutes require adoption of the budget by June 30th.

The Board took straw votes to include/delete the following items from the budget:

- Include \$1,750 for mediation services;
- Include \$2,500 for mediation training;
- Include \$10,000 for the pay and classification study;
- Include \$18,750 for increased landfill fees;
- Include \$2,950 for an additional school crossing guard;
- Include an additional \$2,000 for the Carrboro Library;
- Include \$20,482 for one-half year funding of the Investigator;
- Reduce dependent health insurance to 25% for FY'95-96 for a total cost of \$25,000 with the additional 25% included in FY'96-97 budget;
- Include the public works equipment (\$48,750);
- Include \$48,750 to set up a reserve fund for the purchase of park land;

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO MAINTAIN THE TAX RATE AT \$.69 AND TAKE \$64,629 FROM FUND BALANCE TO BALANCE THE BUDGET. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (NELSON, SHETLEY, GIST, KINNAIRD)

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JACQUELYN GIST TO ADD ONE CENT TO TAX RATE AND TAKE REMAINING \$16,780 FROM FUND BALANCE TO BALANCE THE BUDGET. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO ADOPT THE BUDGET ORDINANCE FOR FY'95-96, THE MISCELLANEOUS FEES AND CHARGES SCHEDULE, AND THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE (MOTOR VEHICLES AND TRAFFIC) TO PROVIDE AN INCREASE IN THE MOTOR VEHICLE LICENSE TAX," AND THAT THE TOWN CONTRIBUTE \$163.23 FOR INDIVIDUAL COVERAGE UNDER THE HEALTHSOURCE PLAN. AFFIRMATIVE ALL

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 1995-96 Resolution No. 60/94-95

WHEREAS, the Board of Aldermen has adopted a comprehensive Position Classification and Pay Plan; and

WHEREAS, the town staff has prepared the 1995-96 Pay Plan.

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

Carrboro Board of Aldermen June 27, 1995

Section 1. The Pay Plan, dated July 1, 1995 - June 30, 1996, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 1994-95 fiscal year.

Section 2. All previously adopted versions of the Classification and Pay Plans which conflict with this resolution are hereby repealed.

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 27th day of June, 1995:

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

Bryan

Noes: None

Absent or Excused: None

AWARD OF BID/1995-96 STREET AND PARKING LOT CONSTRUCTION AND RESURFACING CONTRACT

On June 8, 1995, the Town received bids on Fiscal Year 1995-1996 Improvements (construction and resurfacing) to Town streets and parking lots. Riley Paving Incorporated of Carthage, N.C. was the low bidder with a total bid of \$258,761.00. The purpose of this agenda item was to request that the Board of Aldermen so award this contract.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO AWARD THE CONTRACT TO RILEY PAVING, INC. FOR A TOTAL OF \$258,761.00. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO BOARD OF ADJUSTMENT

The Chair of the Board of Adjustment recommended that Frank Hammill be appointed to the vacant Transition Area seat on the Board of Adjustment. It was requested that the Board of Aldermen adopt a resolution requesting the County Commissioners appoint Mr. Hammill to this position.

(The Board took no action on this matter.)

CERTIFICATION OF FIRE DEPARTMENT ROSTER

Mr. Morgan requested the Board authorize the Mayor to sign a certification of the Fire Department roster as of July 1, 1995.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATION. AFFIRMATIVE ALL

APPOINTMENT TO OWASA BOARD OF DIRECTORS

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY FRANCES SHETLEY TO APPOINT FRANK HAMMILL TO THE OWASA BOARD OF DIRECTORS. VOTE: AFFIRMATIVE ALL

PAVING OF PARKER STREET

The Board requested that the town staff look into the possibility of paving Parker Street in light of the fact that several properties on that street are up for sale.

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ORDINANCE REQUIRING OWASA TO SEEK PERMITS

The Board referred the ordinance drafted by the Town Attorney which would require OWASA to obtain permits from the town for construction of major water and sewer mains to the Agenda Planning Committee to schedule for Board discussion.

REQUEST FOR CLARIFICATION OF SMOKING REGULATIONS

Alderman Gist requested that the town staff check with Orange County on its requirements regarding the minimum distance required between smoking and nonsmoking areas.

ADVERTISEMENT FOR NEIGHBORHOOD COUNCIL

Alderman Bryan requested that the Town Manager schedule a discussion by the Community Building Subcommittee of the advertisement procedure for membership on the Neighborhood Council.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON TO ADJOURN AT 11:20 P.M. VOTE: AFFIRMATIVE ALL

Mayor

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Town Clerk

Carrboro Board of Aldermen