A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 14,1995 at 7:30 p.m. in the Town Hall Board Room.

#### Present and presiding:

Mayor Eleanor Kinnaird Aldermen Michael Nelson

Randy Marshall

Frances Shetley (arrived at 8:40 pm)

Jacquelyn Gist Jay Bryan

Town Manager Robert W. Morgan
Town Clerk Sarah C. Williamson
Town Attorney Michael B. Brough

Absent:

Alderman Hank Anderson

## **APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO APPROVE THE OCTOBER 24, 1995 MINUTES WITH A CORRECTION TO PAGE 6 TO INCLUDE NOTE ABOUT THE FIRE DEPARTMENT WORKING WITH THE CHAPEL HILL FIRE DEPARTMENT TO OBTAIN MINORITY EMPLOYEES. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*\*

## **PROCLAMATION ISSUED**

Mayor Kinnaird issued a proclamation proclaiming November 5-11 as Employ a Vet Week.

\*\*\*\*\*\*

## REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/OLD MILL VILLAGE

Bill Spang has applied for a conditional use permit on behalf of Duncan Yaggy which, if granted, would allow for the subdivision of an existing 20.155 acre tract into 91 lots with 31 accessory apartments for a total of 122 units. The administration requested that a public hearing be scheduled for November 28, 1995.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO SET A PUBLIC HEARING BE SET FOR NOVEMBER 28, 1995. VOTE: AFFIRMATIVE ALL

Bill Spang stated that they still have to submit the stormwater calculations. They will be submitted on November 20th.

Roy Williford stated that Scott Yarley with LPA Group is reviewing the stormwater calculations for this project.

Alderman Gist requested that Mr. Wells with Sungate Associates also review these stormwater calculations.

\*\*\*\*\*

# <u>PUBLIC HEARING/AN ORDINANCE PROHIBITING THE POSSESSION OF OPEN CONTAINERS</u> <u>OF MALT BEVERAGES OR UNFORTIFIED WINES ON PUBLIC PROPERTY</u>

The Board of Aldermen received public comment on an ordinance prohibiting the possession of open containers of malt beverages or unfortified wines on public property.

Mike Brough explained the different options for violations of this ordinance.

Brian Ferrell, the UNC Student Government Liaison, stated that this ordinance is not an effective means of controlling violence. Mr. Ferrell stated that he feels the current ordinances on the books are sufficient to control this violence.

Steve Hoffman, a resident of Chateau Apartments, stated that he has had to stop going downtown Carrboro for walks because of the events taking place there. Mr. Hoffman suggested that the bars downtown be required to provide security and that a violation of this ordinance should be more than a misdemeanor. Mr. Hoffman stated

UNC students should not tell the Town of Carrboro what it should do. Mr. Hoffman spoke in favor of the ordinance and a stiff penalty for its violation.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON PUBLIC PROPERTY AND THE POSSESSION OF OPEN CONTAINERS OF MALT BEVERAGES OR UNFORTIFIED WINES ON PUBLIC PROPERTY," AND THAT THE PENALTY BE A \$25.00 CIVIL PENALTY. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*\*

## <u>PUBLIC HEARING/REZONING REQUESTS/UNITED CHURCH OF CHRIST HOUSING COMMITTEE/NEW COVENANT CHURCH OF CHAPEL HILL</u>

United Church of Christ Housing Committee/New Covenant Church of Chapel Hill and Scott Brunet have submitted petitions requesting the rezoning of property owned by United Church Board for Homeland Ministries described as 7.122.B.22 and property owned by Larry and Emma Atwater described as 7.122.B.18. The zoning classification for both properties is currently R-10. The request is to rezone the entire area R-3.

Roy Williford, Planning and Economic Development Director, presented the proposed request and stated that the administration recommended that the Board defer deliberation on this amendment pending consideration of a staff recommended land use ordinance amendment establishing a performance based zone.

Mike Brough explained a proposed land use ordinance text amendment which would authorize senior citizen residential complexes in the R-10 and R-15 zoning districts with a conditional use permit.

Henry Lister, representing the United Church of Christ Housing Committee, requested that a public hearing be scheduled for next week's agenda on the text amendment to authorize senior citizen residential complexes in the R-10 and R-15 zoning districts with a conditional use permit.

Alderman Bryan requested that the proposed ordinance be amended to include a definition of senior citizen.

Scott Brunet stated that it was never his intention to construct the maximum density on his property under the R-3 zone. Mr. Brunet stated that R-7.5 zoning would meet his needs for his property. Mr. Brunet requested that his property and the church's property be rezoned to R-7.5.

Dexter Smith, a land planner, representing Scot Brunet, stated that a shared access point would be utilized. Mr. Smith stated that an apartment community would utilize public transportation more so than single-family housing.

Mr. Lister stated that it does not matter to them whether the Brunet property is rezoned to R-7.5.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO SET A PUBLIC HEARING FOR NOVEMBER 28, 1995 ON THE TEXT AMENDMENT TO AUTHORIZE SENIOR CITIZEN RESIDENTIAL COMPLEXES IN THE R-10 AND R-15 ZONING DISTRICTS WITH A CONDITIONAL USE PERMIT, AND THAT THE PLANNING BOARD BE REQUESTED TO REVIEW THIS AMENDMENT AT ITS MEETING ON NOVEMBER 18, 1995. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the town staff to prepare a report of the traffic impact of rezoning the Brunet property to R-7.5.

# PUBLIC HEARING/PLACEMENT OF NEIGHBORHOOD PRESERVATION DISTRICT OVERLAY BOUNDARIES AND REZONING OF PROPERTIES

The Board Aldermen and the Neighborhood Preservation District Commission received public comments on an ordinance amending the Carrboro Zoning Map to create a Neighborhood Preservation District by placing the Neighborhood Preservation District Overlay Zone on properties in the proposed areas.

Roy Williford, Planning and Economic Development Director, presented a map showing the proposed overlay zone for the Neighborhood Preservation District. Mr. Williford stated that the town had received a valid petition protesting the zoning district change for the NPD, which will require a favorable vote of three-fourths of the Board of Aldermen membership in order for the ordinance to be adopted.

Mayor Kinnaird referenced letters received from Ernest and Eunice Kraybill and Christopher and Debra Bevin, residents of 204 Maple Avenue, supporting the NPD designation. In addition, Mayor Kinnaird stated that Ernest Riggsbee, owner of property at 320 W. Main Street, and Starnes Weaver, owner of property at 303 Weaver Street, had indicated that they are against the NPD designation.

John Lindsey, owner of house at the corner of South Greensboro and Carr Street, stated that he was opposed to the NPD designation. He stated that he feels the aesthetic features of homes should be left up the homeowner and feels a delay in issuing a building permit is wrong and could have severe detrimental affects. Mr. Lindsey requested that the problems in this area be addressed.

Laura Fleck, owner of property at 104 W. Carr St., stated that she is not interested in having the NPD designation.

Burke Riggsbee, a resident of West Carr Street, stated that he is not interested in the NPD designation.

Debbie Bevin, a resident of 204 Maple Avenue, spoke in favor of the NPD and historic district. Ms. Bevin stated that design guidelines will maintain the character of the neighborhood.

Maria Owens, a resident of Lindsay Street, spoke against the NPD designation. Ms. Owens stated that she likes living in a diverse neighborhood.

Martha Arnold, a resident of 213 Maple Avenue, spoke in support of both the NPD designation and historic district. The designation will support Carrboro's historic character.

Jack Haggerty, a resident of 401 Oak Avenue, feels that these neighborhoods are established and the houses are being retained and sees no reason to require a neighborhood preservation district or historic district designation.

Carley Pardington read a letter from Alba Merritt speaking against the NPD designation. Mr. Pardington stated that she circulated the protest petition. Ms. Pardington feels neighborhoods are made up of people--not buildings. Ms. Pardington spoke against the NPD designation.

Ellen O'Brien, a resident of 214 Maple Avenue, spoke in support of the NPD guidelines.

Robert Schantz, a resident of 207 Maple Avenue, spoke in support of the NPD district.

Lyle Landsdale, 301 W. Poplar Avenue, stated that she would like to see some kind of NPD, but suggested that the guidelines be made friendlier.

Robin Snyder, 607 Shelton Street, stated that her neighborhood is very diverse and suggested making the NPD guidelines friendlier.

Deb Dickenson asked what the advantages of the NPD designation would be. Ms. Dickenson noted that there has not been very much change in the areas under consideration.

Mayor Kinnaird stated that the Board of Aldermen would be deliberating and voting on the NPD designation on November 21, 1995.

# <u>PUBLIC HEARING/ESTABLISHMENT OF AN HISTORIC DISTRICT COMMISSION AND CREATION OF HISTORIC DISTRICTS</u>

The Board of Aldermen will receive public comments on an ordinance amending the Carrboro Land Use ordinance which would create an Historic District Commission and to provide for the creation of Historic Districts.

(See comments listed under previous agenda item.)

### PUBLIC HEARING/VOLUNTARY ANNEXATION/WEXFORD SUBDIVISION, PHASE IV

The Wexford Group, Inc. has submitted a petition requesting the annexation of Phase IV of the Wexford Subdivision. Phases I, II, and III have previously been annexed into the city limits. Phase IV contains 7.13 acres

Carrboro Board of Aldermen November 14, 1995

and 14 dwelling units. The administration recommended adoption of the ordinance which incorporates this property into the Town of Carrboro effective November 30, 1995.

[No one wished to speak at this public hearing.]

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASE IV, WEXFORD SUBDIVISION". VOTE: AFFIRMATIVE ALL

\*\*\*\*\*\*

### **APPOINTMENT TO TRANSPORTATION ADVISORY BOARD**

The Chair of the Transportation Advisory Board recommended that Shirley Marshall be appointed to the vacant seat on the TAB.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JAY BRYAN TO APPOINT SHIRLEY MARSHALL TO THE TAB. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

#### **AWARD OF CONTRACT FOR PAY AND CLASSIFICATION STUDY**

The purpose of this agenda item is to award the contract for a pay and classification study to be completed by the Spring of 1996. The Board of Aldermen appropriated \$10,000 in the current year budget for this study

Desiree White, Personnel Administrator, explained the agenda item.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH MUNICIPAL ADVISORS, INC. FOR A TOTAL COST OF \$10,150. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*\*

#### PRESENTATION ON BELMONT

Mayor Kinnaird requested that the Board review the slide presentation on the City of Belmont's development

It was the consensus of the Board to refer this matter to the Agenda Planning Committee to schedule a presentation to the Board.

\*\*\*\*\*\*

#### STATUS REPORT/POSTAL SURVEY

Alderman Marshall requested a status report on the postal survey.

Mr. Morgan stated that this survey would be sent to the Postal Service this week for review.

\*\*\*\*\*\*

#### STATUS REPORT ON BIKEPATHS

Alderman Marshall requested a status report.

Roy Williford presented a report.

\*\*\*\*

#### NORTH CARRBORO POLLING PLACE

Alderman Bryan suggested that the Chapel Hill-Carrboro City Schools schedule a teacher work day on Election Day in order that voting could be held at a school.

Alderman Bryan requested that the Mayor send a letter to the School System making this request.

\*\*\*\*\*

Carrboro Board of Aldermen

## PROGRESS REPORTS ON DRAINAGE PROBLEMS

Alderman Bryan requested weekly status reports on drainage problems.

\*\*\*\*\*\*

## REQUEST FOR CLOSED SESSION TO DISCUSS ACQUISITION OF PROPERTY

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON TO ADJOURN TO CLOSED SESSION TO DISCUSS ACQUISITION OF PROPERTY AT 11:07 PM. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*\*

Mayor

arat C. Williamson
Town Clerk