A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 21, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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 SECONDED BY JACQUELYN GIST TO APPROVE THE MINUTES OF NOVEMBER 14, 1995. VOTE: AFFIRMATIVE ALL

SMALL AREA PLAN

Jef, a resident of Calvander, requested that the Board consider the magnitude of the size of the Small Area Plan, asked that the Board keep in mind that it is considering placing industry in this area when this zone was eliminated from town, requested that the SAPWG not refer to the residents in the SAP as "wasters" because they own large tracts of land, questioned why an OWASA representative was not included on the SAPWG to answer water and sewer questions, and requested that the building effects on Bolin Creek be considered.

IMPROVEMENTS TO INTERSECTION OF JAMES AND LORRAINE STREET

Allen Spalt, a resident of 300 James Street, thanked the Board for re-aligning James Street in connection with the opening of the new post office.

REQUEST TO SET PUBLIC HEARING//NEIGHBORHOOD STREET DESIGN AMENDMENTS

The administration requested that a public hearing be set for January 9, 1996 to consider a revision of the town's residential street standards for minor, local, and subcollector streets, including standards for right-of-way width, pavement width, utility easements, grass strips, sidewalks, alleys, etc.

Mayor Kinnaird requested that the Board bear in mind that residents will complain if streets are too narrow and parking is allowed.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO SET A PUBLIC HEARING FOR JANUARY 16, 1995. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/ESTABLISHMENT OF ENVIRONMENTAL ADVISORY BOARD

The purpose of this agenda item was to request that the Board of Aldermen consider setting the date for a public hearing on December 12, 1995 to receive citizens' comments regarding a proposed ordinance amending the Carrboro Land Use Ordinance to create an environmental advisory board.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JAY BRYAN TO SET A PUBLIC HEARING FOR DECEMBER 12, 1995. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CLARKE SUBDIVISION

Jim Holland has applied for an application for a conditional use permit which, if granted, would allow for the subdivision of an existing 6.10-acre lot into a 3.906-acre lot and a 2.195-acre lot. The property is located in the WR--Watershed Residential zone and is identified as Tax Map 116, Lot 4. The administration recommended approval of the conditional use permit as presented.

Keith Lankford, Zoning Administrator, was sworn in. Mr. Lankford presented the site plan for this subdivision

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

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

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON 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 MICHAEL NELSON TO APPROVE THE CONDITIONAL USE PERMIT. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT MINOR MODIFICATION/CARRBORO COMMUNITY PARK

The Town of Carrboro has requested a minor modification to the conditional use permit for the Carrboro Community Park which would allow for the installation of lights on Ballfield #1. A public hearing is being held to allow the adjacent property owners to have an opportunity to provide input in the review process. The administration recommended approval of the minor modification.

Keith Lankford, Zoning Administrator, was sworn in. Mr. Lankford presented the plans for the proposed modification.

Richard Kinney, the town's Recreation and Parks Director, and David Nixon, the town's consulting engineer, were sworn in.

Mr. Kinney stated that there are standards for lights on recreation fields.

Mr. Nixon stated that there are published standards for illuminating recreation fields. The 70-foot poles are the optimal height. Similar fixtures are existing in the other fields in the park. Eight poles are required for this field because of its size. The lower the lights, the more light spillage there is.

Liz Rooks, President of the Winsome Lane Homeowners Assoc., was sworn in. Ms. Rooks requested that additional trees be planted along Stroud Lane. Ms. Rooks requested that the lights be lowered to the 40-foot range and requested that the lights be turned off by no later than 11:00 p.m.

Phil Szostak, a resident of Winsome Lane, was sworn in. Mr. Szostak stated that there are other light fixtures available other than the type being proposed. Mr. Szostak requested a lighting impact study for the spillage on the adjoining properties, recommended a Musco light be used, and that the lights face toward Highway 54 rather than towards his house and Mrs. Rooks' house.

Richard Kinney stated that it will be extremely difficult to plant trees that will grow tall enough fast enough to be beneficial to the neighbors. Mr. Kinney stated that if the lights are lowered, this will cause glare on the participants. Mr. Kinney stated that the budget for this project is \$52,000.

Mr. Nixon stated that the lights should be installed uniformly. Therefore, facing the lights towards Highway 54 would not be practical.

It was the consensus of the Board to work with Mr. Szostak on his suggestions, and that the town staff consider the height of the light to lower the impact on surrounding property owners.

Richard Kinney stated that the developer of Winsome Lane was advised of the possible installation of lights on this field.

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DELIBERATION AND VOTE ON NEIGHBORHOOD PRESERVATION REZONING

The Board of Aldermen deliberated and voted regarding the designation of boundaries and placement of the existing Neighborhood Preservation District Overlay Zone on properties in the proposed areas. In addition, the Board will consider adoption of the Neighborhood Preservation District Guidelines.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE AMENDING THE CARRBORO ZONING MAP TO CREATE A NEIGHBORHOOD PRESERVATION DISTRICT BY PLACING THE NEIGHBORHOOD PRESERVATION DISTRICT OVERLAY ZONE ON THE PROPERTIES ALONG MAPLE AVENUE, AND THAT A FORMAL REVIEW PROCESS BE HELD IN 18 MONTHS TO EVALUATE THE PROGRESS OF THE MAPLE AVENUE DISTRICT. THIS REVIEW SHOULD INCLUDE THE APPEARANCE COMMISSION, NEIGHBORHOOD RESIDENTS AND TOWN STAFF. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JAY BRYAN TO ADOPT THE NEIGHBORHOOD PRESERVATION DISTRICT GUIDELINES. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

<u>DELIBERATION AND VOTE ON ORDINANCE CREATING A LOCAL HISTORIC DISTRICT COMMISSION AND CREATION OF LOCAL HISTORIC DISTRICTS</u>

The Board of Aldermen deliberated and voted on a proposed amendment to the Land Use Ordinance providing for the creation of Local Historic Districts and the creation of a Local Historic District Commission.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CREATE AN HISTORIC DISTRICT COMMISSION AND TO PROVIDE FOR THE CREATION OF HISTORIC DISTRICTS." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

<u>CONDITIONAL USE PERMIT MINOR MODIFICATION/PHASE 5, THE HIGHLANDS</u> SUBDIVISION

The homeowners association for Phase 5 of the Highlands Subdivision has requested that an existing sewer easement be shifted slightly from its current location primarily on residential lots to a location primarily in the adjacent open space. This request is a minor modification to their existing conditional use permit which requires authorization from the Board of Aldermen. The administration recommended approval of the minor modification.

Keith Lankford, Zoning Administrator, explained the proposed modifications.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO APPROVE THE MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT AS PRESENTED. VOTE: AFFIRMATIVE ALL

CONDITIONAL USE PERMIT MINOR MODIFICATION/PHASING PLAN/ALTA SEASONS APARTMENT COMPLEX

The developer of the Alta Seasons apartment complex has determined that they need to phase this project. The phasing of this project is a minor modification to their conditional use permit. The administration recommended that the minor modification be approved.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO APPROVE A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE ALTA SEASONS APARTMENT COMPLEX TO ALLOW FOR 14 PHASES--ONE FOR EACH BUILDING. IN ADDITION, THAT THE REQUEST BY THE DEVELOPER TO BOND FOR LANDSCAPING, THE FINAL LAYER (ONE-INCH) OF ASPHALT PAVING AND FOR THE RE-STRIPPING OF THE PAVEMENT MARKINGS FOR THE PARKING AREAS OF THE ENTIRE SITE, AND THE IMPROVEMENTS TO OLD FAYETTEVILLE ROAD, INCLUDING HE WIDENING OF THE EXISTING ROAD SURFACE, INSTALLING CURB, GUTTER AND SIDEWALK, AND STRIPPING THE BIKELANE AS WELL AS ALL OTHER REQUIRED PAVEMENT MARKINGS BE APPROVED. VOTE: AFFIRMATIVE ALL

BAN ON CARDBOARD

Chris Peterson, Public Works Director, stated that the administration recommended that the Board of Aldermen adopt the following:

- (a) A resolution banning the landfilling of recyclable cardboard delivered to the landfill from non-residential sources and establishing a penalty fee for noncompliance equal to double the existing tipping fee; and
- (b) An ordinance amending Chapter 11 of the Carrboro Town Code to prohibit the placement of recyclable corrugated cardboard generated by commercial, industrial, construction, multi-family, and institutional sources in dumpsters or mobile containers serviced by the town, and requiring the placement of permanently visible signs stating "no recyclable corrugated cardboard or aluminum cans may be placed in the dumpster" and instituting a monetary penalty fee for offenders.

It was the consensus of the Board that the town provide the decals for dumpsters.

The following resolution was introduced by Alderman Michael Nelson and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING AND ENDORSING A POLICY
OF BANNING FROM THE ORANGE REGIONAL LANDFILL
RECYCLABLE CORRUGATED CARDBOARD
GENERATED BY COMMERCIAL, INDUSTRIAL, CONSTRUCTION,
MULTI-FAMILY AND INSTITUTIONAL SOURCES
Resolution No. 16/95-96

WHEREAS, the Orange Regional Landfill has heretofore implemented use and disposal fees to defray the costs of operating the landfill and related facilities, and

WHEREAS, the State of North Carolina has mandated a reduction of 40 percent in solid waste being landfilled by the year 2001, and

WHEREAS, the Orange Regional Landfill is a valuable local public resource with a limited lifespan, and

WHEREAS, corrugated cardboard represents as much as 20 percent of the commercial waste stream and 10 percent of the residential waste stream in Orange County, and

WHEREAS, recyclable corrugated cardboard has steady recycling markets, easily available to Orange County, and

WHEREAS, corrugated cardboard is a low-density, easily identifiable material which takes up considerable landfill space, and

WHEREAS, bans on landfilling of recyclable corrugated cardboard have demonstrated an estimated addition to the life of the current mixed solid waste landfill of at least eight months, and

WHEREAS, the technical, economic and regulatory issues related to banning corrugated cardboard are being actively addressed by landfill staff in conjunction with local government staff, affected parties and private waste haulers, and

WHEREAS, the Landfill Owners' Group has previously passed a resolution dated November 17, 1994, to consider implementation of such a ban.

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

- Section 1. The Board hereby approves and endorses a policy of banning from the Orange Regional Landfill after November 1, 1995, any recyclable corrugated cardboard generated by commercial, industrial, construction, multi-family and institutional sources, subject to the following:
- (a) Corrugated cardboard means cardboard that has three layers, including an inner wavy layer and the type generally used for most boxes.
- (b) Recyclable corrugated cardboard means corrugated cardboard that is not waxed and is not contaminated with other material (e.g. pizza boxes with food and oil).

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(c) Beginning March 1, 1996, the landfill may charge a penalty fee of a minimum of \$25.00 or a fee per ton of waste equal to double the current tipping fee to any hauler who dumps into the landfill waste containing recyclable corrugated cardboard if the solid waste brought to landfill by such hauler came primarily from a commercial, industrial, construction, multi-family or institutional source.

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 21st day of November, 1995:

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

Bryan

Noes: None

Absent or Excused: None

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 11 OF THE TOWN CODE TO PROHIBIT THE PLACEMENT OF RECYCLABLE CORRUGATED CARDBOARD GENERATED BY COMMERCIAL, INDUSTRIAL, CONSTRUCTION, MULTI-FAMILY, AND INSTITUTIONAL SOURCES IN DUMPSTERS OR MOBILE CONTAINERS SERVICED BY THE TOWN." VOTE: AFFIRMATIVE ALL

GOALS FOR THE MANAGEMENT OF SOLID WASTE IN ORANGE COUNTY

The Landfill Re-Organization Work Group has developed a mission and goals statement for the management of solid waste in Orange County. The Landfill Owners' Group and the town's administration recommends adoption of the attached resolution approving the mission and goals statement.

The following resolution was introduced by Alderman Hank Anderson and duly seconded by Alderman Michael Nelson.

A RESOLUTION ADOPTING GOALS FOR THE MANAGEMENT OF SOLID WASTE IN ORANGE COUNTY Resolution No. 15/95-96

WHEREAS, the Town of Carrboro is a member of the Landfill Owners' Group and is part owner of the present Orange Regional Landfill; and

WHEREAS, the Landfill Reorganization Work Group was charged by the landfill owning governments to evaluate options for ownership, financing and administration of the next landfill and/or other solid waste management facilities and activities, and

WHEREAS, the Landfill Reorganization Work Group was charged to report back to the governing bodies on recommendations for ownership, financing and administration and a process for public debate and consideration of the associated issues, and

WHEREAS, a first step in meeting its charge the Landfill Reorganization Work Group developed a mission and goals statement for a future solid waste management entity, tentatively referred to as the Orange Solid waste Management Work Group, and

WHEREAS, the Landfill Owners Group received public comments on the mission and goals statement at their September 28, 1995, public hearing, and

WHEREAS, the adoption of the mission and goals statement by the governments of Orange County is an initial step in the continued discussion on the reorganization of solid waste management activities in Orange County, and

WHEREAS, the Landfill Owners' Group recommends that the governments of Orange County adopt the Goals for the Management of Solid Waste in Orange County as listed in Section 2 of this resolution;

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

Section 1. The Board hereby approves the following Mission Statement for the management of solid waste in Orange County as recommended by the Landfill Owners' Group:

96

The mission of the Orange Solid Waste Management Group shall be to minimize the generation of solid waste; to conserve resources; to recycle and reuse that portion of our solid waste that we can; and to dispose of the remaining solid waste in an environmentally sound, socially responsible manner to ensure that these goals are achieved in the most cost effective manner possible.

Section 2. The Board hereby approves following Goals for the management of solid waste in Orange County as recommended by the Landfill Owners' Group:

- 1. Manage the solid waste in Orange County consistent with the mission statement above, consistent with environmental and human health protection, consistent with conservation of natural resources and energy, an in compliance with all federal, State and local laws and regulations.
- 2. Set aggressive solid waste reduction goals, with the intent of raising solid waste reduction goals when set goals have been achieved.
- 3. Achieve these stated goals through the development of public and public-private solid waste prevention, source reduction, recycling and reuse opportunities, materials recovery, as well as development and implementation of public and public-private education programs, policies and incentives to promote solid waste prevention, recycling and reuse.
- 4. Design, develop and implement public information, awareness and education programs designed to increase public awareness of the need for, and public involvement in the implementation of, source reduction, recycling and composting, and to promote environmentally sound and cost effective integrated solid waste management.
- Participate with regional efforts to manage and reduce solid waste when consistent with adopted goals and policies.
- 6. Evaluate and establish alternatives for the management of recyclable materials banned from landfilling.
- 7. Evaluate and establish alternatives for the management of materials which pose special management problems. Develop programs which result in the elimination of these materials from the solid waste stream whenever possible.
- 8. Reduce and eventually eliminate littering and illegal dumping of solid waste in Orange County by developing and enforcing harsh penalties for such activities.
- 9. Make planning for solid waste in Orange County consistent with the above stated management practices. Priority should be given to solid waste prevention and solid waste reduction in order to make landfilling the last resort.
- 10. Develop a comprehensive integrated solid waste management plan for the Orange Solid waste Management Group, and work with all the generators of solid waste in Orange County to implement the plan.
- 11. Involve the public in solid waste management planning and program development through public hearings, committees and advisory boards, as well as other means.
- 12. Ensure that adequate capacity of solid waste disposal facilities exist to meet the needs of the people of Orange County.
- 13. Provide proactive planning, guidance and oversight for the construction, operation, monitoring and closure of solid waste disposal facilities.
- 14. Ensure that the present landfill and any future landfills are operated to last as long as reasonable.

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 21st day of November, 1995:

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

Noes: None

Absent or Excused: None

ACQUISITION OF NEVILLE TRACT

The Board of Aldermen was requested to adopt a resolution which would: (i) authorize the Town of Chapel Hill, as administrator of the landfill, to use land reserve funds to purchase the property known as the Neville tract, as recommended by the Landfill Owners' Group (LOG); and (ii) direct the Town of Chapel Hill to apply for a special use permit in accordance with the recommendations from the LOG - Neville Tract Committee dated October 19, 1995.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Michael Nelson.

A RESOLUTION AUTHORIZING THE CHAPEL HILL TOWN MANAGER TO UTILIZE THE LANDFILL RESERVE FUND TO PURCHASE THE PROPERTY KNOWN AS THE NEVILLE TRACT (TAX MAP REFERENCE: 7.18..22)

Resolution No. 17/95-96

WHEREAS, there is a need for additional soil for landfill operations at the current landfill site; and

WHEREAS, there is a legal right of access for the Neville tract through the Greene tract; and

WHEREAS, the public owns two tracts of land which are separated by the Neville tract; and

WHEREAS, the purchase of the property known as the Neville tract would provide for the needed soil and remove the access easement across the Greene tract and join the 202 acre landfill site and 168 acre Greene tract; and

WHEREAS, ownership would be in proportion equal to that of the current landfill (Carrboro = 14 %, Chapel Hill = 43 % and Orange County = 43 %); and

WHEREAS, the Landfill Owners' Group will not use the Neville tract as a landfill or other solid waste processing facility; and

WHEREAS, the Landfill Owners' Group would provide buffers between the borrow area and the adjoining privately owned property to mitigate the effects of the soil removal on the adjoining properties; and

WHEREAS, the Landfill Owners' Group would develop a comprehensive site restoration plan for the borrow area; and

WHEREAS, it is agreed that the purchase price will be \$ 7,000 per acre, with the total to be determined by a survey prior to closing; and

WHEREAS, the Landfill Owners' Group will continue to work with the neighbors of the Neville tract to resolve twenty-two outstanding issues; and

WHEREAS, it is agreed that the landfill will coordinate the preparation of the Special Use Permit application with a working group of Mrs. Gertrude Nunn, Judy Nunn Snipes, Roger Snipes, Ashley Nunn, Larry Reid, and George Griffin and other affected citizens as needed;

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

Section 1. The Board of Aldermen hereby authorizes the Chapel Hill Town Manager to use Landfill Land Reserve funds to purchase the property known as the Neville tract

Section 2. The Board of Aldermen further resolves that any special use permit application for this property will be proposed in accordance with the attached recommendations from the Landfill Owners' Group-Neville Tract Committee to the Landfill Owners' Group dated October 19, 1995

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 21st day of November, 1995:

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



Absent or Excused: None

AWARD OF BID/REFUSE COLLECTION VEHICLE

The administration recommended that the Board of Aldermen: (i) award the contract for purchase of a new Refuse Collection Vehicle to Lodal-South, Inc. of Rockingham, NC for the Contract Price of \$128,900.00; and (ii) waive the requirement for a Performance and Payment Bond for the execution of this contract.

Roger Thorne stated that the company puts up the bond, but the town has to pay for the bond.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO AWARD THE CONTRACT TO LODAL-SOUTH FOR A TOTAL COST OF \$128,900 AND THAT THE BOND BE WAIVED. VOTE: AFFIRMATIVE ALL

COLOR FOR TOWN COMMONS

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON TO USE THE BRICK RED COLOR BE USED TO PAINT THE COLUMNS OF THE FARMERS MARKET SHELTERS. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (SHETLEY, GIST, BRYAN)

Alderman Gist requested that the town staff review the specifics for the construction of the fence.

REVIEW OF SMALL AREA PLAN

Alderman Marshall requested that OWASA staff review the Small Area Planning Work Group's report.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO ADJOURN THE MEETING AT 11:27 P.M. VOTE: AFFIRMATIVE ALL

Mayo

Town Clerk