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A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 12, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Alex Zaffron
	Hilliard Caldwell
	Hank Anderson
	Diana McDuffee
	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 HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF DECEMBER 5, 1995. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Nelson read a proclamation proclaiming December 15, 1995 as Bill of Rights Day in the Town of Carrboro.

PUBLIC HEARING/REZONING OF OLD DOT-N-DASH AND PUBLIC WORKS FACILITY FROM B-3 TO O/A ZONING DESIGNATION

The Board of Aldermen was scheduled to receive public comment on a petition to rezone property, which contains the old Dot-N-Dash Store and the Public Works Facility, along Smith Level Road and the NC 54 Bypass from B-3 to O/A (Office/Assembly).

Mr. Morgan noted that the applicant for this request had requested that this matter be continued to January 9, 1996.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST TO CONTINUE THIS PUBLIC HEARING TO JANUARY 9, 1996. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/REZONING REQUEST/BOLIN FOREST, PHASE I FROM R-SIR TO R-15 AND R-10

The purpose of this item was for the Board to Aldermen to hold a public hearing and consider a petition to rezone property located on the north side of North Greensboro Street and east of Bolin Forest Drive known as Bolin Forest, Phase I. The request is to rezone this property from R-SIR to R-15 and R-10.

Mr. Morgan stated that due to a technical error in the advertisement for this public hearing, the administration recommended that this public hearing be continued to January 9, 1996 and that this public hearing be re-advertised.

Alderman Bryan stated that he would be out of town on January 9, 1996 and requested that this public hearing be continued to January 16, 1996.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO CONTINUE THIS PUBLIC HEARING TO JANUARY 16, 1996 AND THAT THIS PUBLIC HEARING BE RE-ADVERTISED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT CREATING AN ENVIRONMENTAL ADVISORY BOARD

The purpose of this agenda item was to receive citizens' comments on a proposed amendment to the Land Use Ordinance to create an Environmental Advisory Board (EAB). This board would advise the Board of Aldermen on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources.

John Rintoul, Chair of the Planning Board, explained the Planning Board's recommendation concerning this matter.

Richard Taylor stated that he feels this committee is very important to address drainage, solid waste, and recycling issues and urged the Board to set this board up.

Maria Owens spoke in favor of the establishment of the EAB to help protect the environment.

Clark Lohse urged the Board to have the EAB be charged with reviewing drainage issues.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO SET UP A SUB-COMMITTEE OF THE BOARD OF ALDERMEN AND ONE MEMBER EACH FROM THE PLANNING BOARD, TRANSPORTATION ADVISORY BOARD AND APPEARANCE COMMISSION TO FURTHER CLARIFY THE POWERS, FUNCTIONS AND DUTIES OF THE EAB AND HOW IT IS TO FIT INTO THE DEVELOPMENT PROCESS, AND THAT THE COMMITTEE PRESENT ITS REPORT TO THE BOARD OF ALDERMEN BY THE END OF JANUARY, 1996. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

Alderman Caldwell and Gist and Mayor Nelson volunteered to serve on this sub-committee.

CONTINUATION OF 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 and construction of 63 single-family, detached homes, 28 townhomes, and 30 accessory apartments for a total of 121 units. This property is located at 216 Roberson Street. The administration recommended approval of the conditional use permit with conditions.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the site plan for the proposed development and reviewed the town staff's recommended conditions.

Duncan Yaggy was sworn in. Spoke in favor of the proposed project.

Marianne Fiorentino was sworn in. Ms. Fiorentino explained how she got involved in this project and spoke in favor of the proposal before the Board.

Bill Spang was sworn in. Mr. Spang spoke in favor of the proposed project. Mr. Spang requested that if the Board chooses to go with a 50-foot right-of-way way that they be allowed to cut the front set backs to 7 1/2 for lots 10, 11 and 12.

Phil Post was sworn in. Mr. Post explained the background behind the traffic counts for the project.

John Rintoul, Chair of the Planning Board, was sworn in. Mr. Rintoul stated that the Planning Board had serious concerns about the traffic situation with this project. Mr. Rintoul stated the Planning Board strongly urged the Board to explore the possibility of securing the Rand Road connection via condemnation proceedings.

Ellen Perry, Chair of the Transportation Advisory Board, was sworn in. Ms. Perry stated that the TAB recommended this conditional use permit be denied unless a southern connection can be negotiated. The TAB feels that the pedestrian lifestyle that the developer has envisioned is overlay optimistic and the traffic generated by this development onto Main and Roberson will make an already congested intersection much worse.

Ellen O'Brien, representing the Appearance Commission, was sworn in. Ms. O'Brien presented the Appearance Commission recommendations.

John Marshall, a resident of Poplar Avenue, was sworn in. Mr. Marshall spoke in favor of the proposed development because it will fill in empty land located in the downtown.

Martha Arnold, a resident of 213 Maple Avenue, and representing the Maple Avenue residents, was sworn in. Ms. Arnold requested that the Board consider the following points:

- (1) Establish visible boundaries around the Maple Avenue neighborhood by providing a common buffer and preserving existing trees.
- (2) Preserve the existing character of the street and design the Maple Avenue extension to be consistent with it.
- (3) Preserve the characteristic layout of the neighborhood.
- (4) Prohibit construction traffic on Maple Avenue.
- (5) Resolve the downtown traffic problems.

Dick Bircher, a resident of Maple Avenue. Mr. Bircher expressed concern about the affect of this development on Maple Avenue and the residents' ability to get out of the neighborhood. Mr. Bircher stated that he did not see why it would be necessary to extend Maple Avenue to build four new homes.

Robert Monath, a resident of 206 Maple Avenue, was sworn in. Mr. Monath expressed his appreciation of the historic features of Maple Avenue and asked that the Board keep this in mind during its consideration of this conditional use permit.

Ellen O'Brien presented a letter from Phil Zook, a resident of 211 Maple Avenue. Mr. Zook's letter stated that the plan for this project falls short of what the Maple Avenue neighborhood had asked for and what the developer originally assured the Maple Avenue residents would be done. Specially, the lot widths of the newly created lots at the terminus of Maple Avenue. Mr. Zook requested that the minimum lot width on Maple Avenue be 85 - 90 feet.

Ms. O'Brien read a statement in memory of Mr. Neal, a deceased resident of Maple Avenue.

Mitch Virchick, a resident of 214 Maple Avenue. Mr. Virchick expressed his concern about the increased traffic caused by this development. Mr. Virchick urged the town to condemn Rand Road to open up an additional access.

Andy Cohen, a resident of 205 Maple Avenue, was sworn in. Mr. Cohen stated that he would like to see more development of the nature of the proposed development in the downtown area. Mr. Cohen spoke in favor of opening up a southern access to the development through Rand Road. Mr. Cohen stated he felt the Rand Road access would be used only for residents of the Old Mill Village development. Mr. Cohen urged the Board to delay taking action on this conditional use permit before the roads issue is resolved.

Debbie Bevin, a resident of 204 Maple Avenue, was sworn in. Mr. Bevin spoke in favor of the recommendations made by Martha Arnold for the Maple Avenue residents. Ms. Bevin asked that the new lots on Maple Avenue be increased in size to conform to the existing Maple Avenue lots.

Chris Bevin, a resident of 204 Maple Avenue and a business owner on Main Street, was sworn in. Mr. Bevin expressed concern that this development will adversely affect his home and business. Mr. Bevin stated that he was concerned about the impact of this development on the downtown area of Carrboro.

Maria Owens was sworn in. Ms. Owens spoke in favor of the proposed development. Ms. Owens stated that the resident of Pine Knolls and Carr Street are in favor of the proposed development.

Lee Corum, representing Rogers-Triem, was sworn in. Mr. Corum explained previous discussions with Scarborough and Village Self Storage reference access to Rand Road. Mr. Corum stated that recent discussions had been held with Bill Spang about providing emergency and construction traffic access on Rand Road. No agreements have been met, but a willingness for such an arrangement has been discussed.

Robert Schontz, 207 Maple Avenue, was sworn in. Mr. Schontz stated that the Maple Avenue residents would like to have a 30-foot buffer.

Andy Cohen, a member of the Planning Board, stated that the Planning Board and Transportation Advisory Board had specially requested that the developer negotiate with Rogers-Triem to obtain access to Rand Road.

Alderman Zaffron requested that the town staff determine who owns the easement along Rand Road.

Roy Williford, the town's Planning and Economic Development Director, was sworn in. Mr. Williford stated that the town owns 25 feet from the center line of Rand Road to the end which is 25 to 30 feet from the Yaggy property at the end. Mr. Williford stated that the road alignment at the South Greensboro Street intersection would have to be clarified.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN TO CONTINUE THIS PUBLIC HEARING TO DECEMBER 19, 1995. VOTE: AFFIRMATIVE ALL

BOARD OF ALDERMEN COMMITTEE ASSIGNMENTS

The Board of Aldermen considered making its committee assignments.

Agenda Planning Committee -	Caldwell (term expires 12/31/98) Anderson (term expires 12/31/97) Gist (term expires 12/31/96)
Landfill Owners Group	Nelson (McDuffee to replace in 3-4 months) Anderson Gist
Landfill Re-Organization W.G.	Nelson Anderson Gist
Triangle J COG	Zaffron
Transportation Advisory Com.	Zaffron
Board of Adjustment Liaison	Bryan
Planning Brd. & SAPWG Liaison	McDuffee
Appearance Com./NPD Liaison	Bryan
Transportation Adv. Brd. Liaison	Zaffron
Parks & Recreation Com. Liaison	Gist
Cable T.V. Liaison	Caldwell
Human Services Com. Liaison	McDuffee
Cemetery Commission Liaison	Caldwell
Downtown Dev. Com. Liaison	Zaffron
Animal Control Brd. of Appeals	Bryan Gist (Alternate)
O.C. Water & Sewer Service Area Boundary Committee	Bryan Caldwell
Carrboro/University LU Planning Advisory Board	Bryan Nelson
O.C. Human Serv. Coordinating Council	McDuffee
CH-Carrboro Sister Cities Board of Directors	Anderson
CH-Orange County Visitors Bureau	Caldwell
Cane Creek Watershed Adv. Com.	Gist

Coalition for Public Transportation Anderson

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE COMMITTEE ASSIGNMENTS. VOTE: AFFIRMATIVE ALL

IMPROVEMENTS TO CALVANDER/OLD NC 86 INTERSECTION

Kenneth Withrow, the town's Transportation Planner recommended that the Board approve the Transportation Advisory Board's recommendation that Carrboro's #2 project (the Calvander intersection improvements) be listed as regional priority #19 and that regional priority #19 (Homestead Road) be moved to regional priority #24 on the 1996-97 Transportation Improvement Program

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO APPROVE THE STAFF RECOMMENDATION. VOTE: AFFIRMATIVE ALL

PRESENTATION OF ORANGE COUNTY'S FLEXIBLE DEVELOPMENT PROPOSAL

The Board requested that a presentation by an Orange County staff representative be scheduled for December 19th.

NEIGHBORHOOD FORUM

The Board requested that the town staff prepare a map showing the neighborhoods that do not have representatives on the Neighborhood Forum.

REQUEST FOR REPORT ON MIDWAY PARKING LOT

Alderman Caldwell requested a status report on the construction of the Midway parking lot.

STATUS REPORT ON REQUEST FOR INSTALLATION OF FOUR-WAY STOPS AT THE INTERSECTION OF COBBLESTONE AND PATHWAY

Alderman Zaffron requested a status report on the TAB's recommendation to install four-way stop signs at the intersection of Cobblestone Drive and Pathway Drive.

REPORT ON MEETING OF SCHOOL CAPITAL CONSTRUCTION STUDY COMMISSION

Alderman McDuffee gave a brief report on the School Capital Construction Study Commission meeting held on December 12, 1995, and stated that she had asked for a video tape or transcript of the public hearing since that hearing was held at the same time as tonight's Board meeting.

RESOLUTIONS HONORING OUTGOING MAYOR AND BOARD MEMBERS

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Alex Zaffron.

A RESOLUTION HONORING ELEANOR G. KINNAIRD
Resolution No. 18/95-96

WHEREAS, Eleanor G. Kinnaird served as Mayor of the Town of Carrboro since being sworn into office on December 1, 1987; and

WHEREAS, the Town has had the privilege to watch her grow from a one or two issue electee, albeit important issues such as protection of the watershed, to a polished, positive and effective politician and Mayor; and

WHEREAS, Ele has performed her duties and responsibilities with zestful joy, boundless energy and abiding love; and

WHEREAS, Ele has also shown special personal courage and perseverance in leading the Town in the last eight years; and

WHEREAS, the Town will always be indebted for her stubborn and unfailing advocacy for her pet projects that include among others, the ArtsCenter, Carrboro Public Library, Town Commons, downtown business district, open space zoning and the Neighborhood Preservation District; and

WHEREAS, the Town is especially grateful for her efforts to help restore the spirit and community of Carr Court so that its children and adults can have hope for a safer, more optimistic future; and

WHEREAS, her sense of fun, her willingness to say the unsayable with humor, her ability not to take herself or her job too seriously, and her overriding gentleness with the Board itself as well as members of the public, will be sorely missed; and

WHEREAS, because of her personal touch and expression, and innovations such as the News of Carrboro, our Town itself is better appreciated in the Orange County community as a place and community that is vital and alive with creative energy and possibility; and

WHEREAS, we value the untold countless hours she spent without recognition, at all times of the day and night, during which she worked to make Carrboro a special place and worthy of its nickname, the Paris of the Piedmont.

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

Section 1. Ele Kinnaird's work and service on behalf of the Town of Carrboro is appropriately recognized and appreciated.

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 12th day of December, 1995:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Alex Zaffron.

A RESOLUTION HONORING
JULIAN RANDOLPH (RANDY) MARSHALL, JR.
Resolution No. 19/95-96

WHEREAS, Julian Randolph (Randy) Marshall, Jr. served on the Carrboro Board of Aldermen since having been sworn into office on April 22, 1986; and

WHEREAS, Randy brought to the Board a special intelligence and trenchant analysis of Town issues which will be sorely missed; and

WHEREAS, on many occasions in the past nine years, when the Board found itself floundering in the middle of a confused mix of detail, options or controversy, Randy rode to the rescue with a precise, logical and cohesive summary of both the problem and the solutions; and

WHEREAS, Randy has increasingly shown to the Board an ability to offer solutions which were consensus driven and creative, and which were thoughtfully designed to meet enough of the needs and interests of each Board member to be approved; and

WHEREAS, we will especially miss his gentle sense of humor and use of puns to ease tensions and make the long evenings shorter and easier; and

WHEREAS, the Town will also miss his work on efforts, such as the Chapel Hill/Orange County Visitors Bureau, on which he served as the Town of Carrboro's representative, the Parks and Recreation Commission, the Cane Creek Watershed Advisory Committee, the Orange-Chatham Cooperative Work Group, and the Town budget that drew his personal commitment and energy; and

WHEREAS, as principal of Carrboro Elementary School, he knows the value and importance of community and how to try to cultivate it; and as Alderman, he voted in support of the efforts that the Board made to make our Town an open, friendly and humane community; and

WHEREAS, we value the hours and emotional gift of time and courage away from his family that he has made to the Town and appreciate the support they have given him to enable him to meet his responsibilities as Alderman.

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

Section 1. Randy Marshall's work and service on behalf of the Town of Carrboro is appropriately recognized and appreciated.

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 12th day of December, 1995:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Alex Zaffron.

A RESOLUTION HONORING FRANCES LLOYD SHETLEY
Resolution No. 20/95-96

WHEREAS, Frances Lloyd Shetley served on the Board of Aldermen since being sworn into office on December 1, 1987; and

WHEREAS, Frances has been the one, long-standing official in Carrboro who grew up, went to school and has always lived in the community of Carrboro; and

WHEREAS, she has served her hometown with special tenacity, strength and courage; and

WHEREAS, as one of the members of the class of 1987 elected officials, she contributed herself and vote to important measures that significantly protected the University Lake Watershed, even though these measures affected the property rights of people with whom she had grown up; and

WHEREAS, she has exercised effective and unsung leadership in the area of transportation policy, making sure that the town's bus service has remained accessible and affordable, watching to take advantage of, and lobbying for, available state transportation funds, and serving long important hours as liaison to the Transportation Advisory Board and Board representative on the Transportation Advisory Committee; and

WHEREAS, she has kept a watchful eye on the Town's budget, and taken stands of principle to try to reduce the burden of the Town's tax rate on its residents; and

WHEREAS, Frances has with steadfastness stood up for the values and heritage of the citizens of Carrboro who, with their children and grandchildren and relatives have long resided here, values such as loyalty, humility, hard-work, family and frugality; and she has been a special and persistent voice for the elder community; and

WHEREAS, quietly, unassumingly, directly, she has most importantly and at some emotional cost, supported the civil rights of all the citizens of Carrboro; and

WHEREAS, her time away from her husband and family, and their support for her, is most appreciated.

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

Section 1. Frances Shetley's work and service on behalf of the Town of Carrboro is appropriately recognized and appreciated.

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 12th day of December, 1995:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADJOURN AT 11:10. VOTE: AFFIRMATIVE ALL

Michael R. Nelson
Mayor

Sarah C. Williamson
Town Clerk