

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 19, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Alex Zaffron
	Diana McDuffee
	Jacquelyn Gist
	Jay Bryan
Town Attorney	Michael B. Brough
Town Manager	Robert W. Morgan
Deputy Town Clerk	James E. Spivey
Absent:	Hilliard Caldwell
	Hank Anderson

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE MINUTES OF DECEMBER 12, 1995 AS WRITTEN. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell)

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**PROCLAMATIONS**

Alderman Jacquelyn Gist read and presented a resolution and plaque to outgoing Alderman Randy Marshall.

Mayor Michael Nelson read and presented a resolution and plaque to outgoing Alderman Frances Shetley.

Alderman Jay Bryan read and presented a resolution and plaque to outgoing Mayor Eleanor Kinnaird.

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**CHARGE ISSUED**

The Deputy Town Clerk issued a charge to Shirley Marshall, a recent appointee to the Transportation Advisory Board.

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**PETITION SUBMITTED**

Dawn Marie Mintor, resident of Old NC 86, submitted a petition to the Board of Aldermen voicing concern regarding the Draft Small Area Plan.

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**PUBLIC HEARING/DELIBERATION AND VOTE ON CONDITIONAL USE PERMIT REQUEST/OLD MILL VILLAGE**

The Board of Aldermen will deliberate and vote on the conditional use permit request submitted by Bill Spang 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 Board of Aldermen voiced support of the proposed subdivision but the issue of a second access to the south of the subdivision was a major concern. Securing this southern access is an issue that involves the developer of the proposed subdivision, the Rogers' Triem Company, and the Town. It was suggested that these parties convene a meeting to discuss the issue of a southern access to the proposed subdivision.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT THE PUBLIC HEARING BE CONTINUED UNTIL JANUARY 16, 1996. PRIOR TO THE CONTINUED PUBLIC HEARING DATE, A MEETING SHOULD TAKE PLACE CONSISTING OF THE DEVELOPER, REPRESENTATIVES FOR ROGERS' TRIEM, AND THE TOWN TO DISCUSS AND NEGOTIATE THE ISSUE OF SECURING A SOUTHERN ACCESS TO THE PROPOSED SUBDIVISION WHICH IS ACCEPTABLE TO ALL THREE PARTIES. THE ACCESS TO BE NEGOTIATED IS FOR ALL FORMS OF TWO-WAY VEHICULAR TRAFFIC. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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### PRESENTATION OF ORANGE COUNTY'S FLEXIBLE DEVELOPMENT PROPOSAL

David Stancil with the Orange County Planning Department made a presentation on Orange County's proposed flexible development plan. Mr. Stancil reviewed the proposed plan and explained that the plan is for the County jurisdiction outside the joint planning area, the rural buffer is not included. The Board was informed that to meet the deadline date for comment submittal in the public hearing review process is January 09, 1996.

By Board consensus, staff was directed to forward the following comments to the County:

1. The plan does not seem to have any effective enforcement provision or overall power to effectively preserve the County's dwindling natural resources and farmlands.
2. Are there any statistics to show the success or failure rate of similar voluntary programs using incentives?
3. To achieve the goals of the plan, an evaluation process should be in place prior to implementation of the plan with a set period for the evaluation to take place.
4. Does the Estate Plan really provide open space? What is and is not open space, per se, as a desirable, societal, and aesthetical calling.

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### WORKSESSION/SMALL AREA PLANNING WORK GROUP DRAFT PLAN

The purpose of this item was to present information regarding: (1) the proposed final draft of the *Small Area Plan for Carrboro's Northern Transition Study Area*; (2) comments received during the November 9, 1995 open house; (3) comments from the town's advisory boards; and (4) a tentative schedule of steps needed for Joint Review of this item.

Jennifer Goldman, student intern in the Planning Department, made the staff presentation to the Board of Aldermen. Ms. Goldman reviewed some of the key concepts of the *Plan* and displayed a map showing some of the proposed uses.

John Rintoul, Planning Board and Small Area Planning Work Group chairman, addressed the Board. Mr. Rintoul reviewed past actions of the Small Area Planning Work Group, open house held, and comments received at the open house. Mr. Rintoul urged the Board to issue a moratorium of any new development proposals in the northern transition area, to hold a public hearing on the *Plan* no later than February 06, 1996, and that the *Plan* and ordinances to implement the *Plan* should be presented at the Joint Review meeting in April 1996.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE HELD ON FEBRUARY 06, 1996 TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED TEXT AMENDMENT WHICH PLACES A MORATORIUM ON DEVELOPMENT IN THE NORTHERN TRANSITION AREA FOR A TIME PERIOD TO BE DETERMINED BY A SCHEDULE THAT IS TO BE DEVELOPED FOR ACCEPTING THE SMALL AREA PLANNING WORK GROUP PLAN. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT A PUBLIC HEARING BE SET FOR FEBRUARY 06, 1996 TO RECEIVE PUBLIC COMMENT REGARDING THE *SMALL AREA PLAN FOR CARRBORO'S NORTHERN TRANSITION STUDY AREA*. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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**RESOLUTION REGARDING WATER AND SEWER SERVICE AREA BOUNDARIES**

The Board reviewed OWASA's June 6, 1995 resolution responding to the December 14, 1994 Public Water and Sewer Service Boundary Task Force Report. The Board also considered adopting a resolution transmitting Carrboro's comments to Orange County, Chapel Hill, Hillsborough and OWASA.

Roy Williford, Planning & Economic Development Director, reviewed past actions of Orange County, Hillsborough, Chapel Hill, and OWASA regarding this matter and reviewed the proposed resolution from Carrboro.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A RESOLUTION BE APPROVED THAT FOLLOWS 1A AND 1B OF THE OWASA RESOLUTION AND REFER IT BACK TO THE TASK FORCE. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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**DISCUSSION OF TOWN ATTORNEY'S MEMORANDUM/LICENSING OF DEVELOPERS**

The Board directed the Town Attorney to explore the town's authority to prohibit developers who repeatedly violate the town's Land Use Ordinance from doing additional development work within the town. The Town Attorney submitted a memorandum in response to the Board's directive.

Staff was directed to bring this issue back to the Board in sixty (60) days addressing the following issues:

1. Civil and criminal penalties.
2. Define "serious violations".
3. Penalties for misinformation and/or lying.

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**CONSIDERATION OF AN ORDINANCE PERMITTING THE POSTING OF SIGNS PROHIBITING THE CARRYING OF CONCEALED WEAPONS ON CERTAIN MUNICIPAL PROPERTY**

The purpose of this item is to amend Section 14-18 of the Town Code to allow signs to be posted prohibiting the carrying of concealed handguns on certain town property.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE PERMITTING THE POSTING OF SIGNS PROHIBITING THE CARRYING OF CONCEALED WEAPONS ON CERTAIN MUNICIPAL PROPERTY" BE ADOPTED. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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**CRITERIA FOR SITE SELECTION FOR POLICE STATION, HOMESTEAD ROAD PARK, PUBLIC WORKS CENTER, AND NORTHERN FIRE STATION**

Included in the 1995-1999 Capital Improvement Plan was a proposal to purchase property for the police department, fire sub-station, public works facility, recreation center, and the homestead neighborhood park. The Board of Aldermen requested that the staff present site criteria for use in identifying potential sites. The purpose of this agenda item was to have the Board review this criteria.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN TO AUTHORIZE STAFF TO PROCEED TO IDENTIFY POTENTIAL SITES TO BRING BACK TO THE BOARD FOR ITS CONSIDERATION. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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**CANCELLATION OF BOARD MEETINGS**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT THE DECEMBER 26, 1995 AND JANUARY 02, 1996 MEETINGS OF THE BOARD OF ALDERMEN BE CANCELED. VOTE: AFFIRMATIVE 5 (Zaffron, Nelson, McDuffee, Gist, Bryan); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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**CLASSIFICATION AND PAY PLAN/AGENCIES FOR SALARY COMPARISONS**

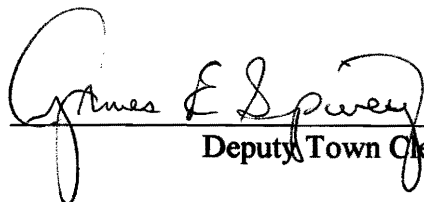
The Mayor and Board of Aldermen were told during the presentation on the pay and classification study that they would need to determine which agencies salary data would be requested for comparison with the towns. The Board requested at that time for the consultant to make a recommendation and to identify a criteria that was used for these recommendations. The purpose of this agenda item was to identify those agencies to be included in the salary survey for the pay study.

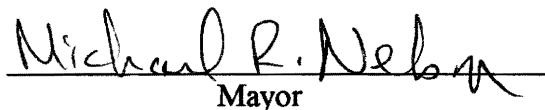
MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE MUNICIPAL ADVISORS, INCORPORATED (MAI) TO SURVEY THE PROPOSED AGENCIES FOR THE PAY STUDY. VOTE: AFFIRMATIVE 4 (Zaffron, Nelson, McDuffee, Gist); NOES 1 (Bryan); ABSENT/EXCUSED 2 (Anderson, Caldwell).

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MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT THE MEETING BE ADJOURNED AT 11:15 P.M. VOTE: AFFIRMATIVE ALL.

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Deputy Town Clerk

  
Mayor