

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 6, 1996 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Hank Anderson
	Jay Bryan
	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Alex Zaffron
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 HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO APPROVE THE MINUTES OF JANUARY 16, 1996. VOTE: AFFIRMATIVE ALL

STONE QUARRY EXPANSION

Kathy Newell, representing citizens against the quarry, apologized for the delay in responding to the Board's request for mediation.

HOGAN FARM DEVELOPMENT

Chris Hogan apologized for removal of the trees in his development and stated that he is working on a replanting plan.

PUBLIC HEARING/VOLUNTARY ANNEXATION OF A PORTION OF THE LAKE HOGAN FARMS SUBDIVISION

Dale Redfoot, representing the Lake Hogan Farms Subdivision, has submitted a petition requesting the non-contiguous annexation of 29.13 acres of the Lake Hogan Farms Subdivision. The administration requested adoption of the ordinance which annexes this property effective February 29, 1996.

[No one wished to address the Board concerning this matter.]

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING 29.13 ACRES OF THE LAKE HOGAN FARMS SUBDIVISION." VOTE: AFFIRMATIVE ALL

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

The Board of Aldermen held a public hearing on January 16, 1996 to 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 from R-SIR to R-15 and R-10. The purpose of this item is to continue that public hearing in order to provide the Board of Aldermen with additional information as requested on January 16, 1996.

Roy Williford, Planning and Economic Development Director, reviewed the additional information provided to the Board concerning a map showing the natural and archeological constraints, traffic counts for Bolin Forest Drive and North Greensboro Street. Mr. Williford stated that comments from the Chapel Hill-Carrboro School System and a copy of NCDOT's street and driveway access policy were provided to the Board.

Jim Tatum, representing Bob Anderson, requested that this rezoning be deferred until the plans for the conditional use permit for this property are considered by the Board of Aldermen.

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MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO DENY TO REZONING REQUEST. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH A TEMPORARY MORATORIUM ON THE ISSUANCE OF CONDITIONAL AND SPECIAL USE PERMITS WITHIN THE NORTHERN SMALL AREA PLANNING AREA

The purpose of this item was for the Board of Aldermen to hold a public hearing to consider a land use ordinance text amendment which would establish a temporary moratorium on the issuance of conditional and special use permits within the Northern Small Area Planning Area.

Lisa Bloom Pruitt, the town's Senior Planner, explained the area proposed for the temporary moratorium.

John Rintoul, Chair of the Planning Board and Chair of Small Area Planning Work Group, stated that the SAPWG had originally requested that a moratorium be undertaken to free up town staff to work on amendments associated with the Small Area Plan. Since then it was realized that it would take much longer than first thought to prepare and adopt the amendments, therefore, the Planning Board was not now recommending a temporary moratorium.

Roger Bernholz, representing Bob Anderson, requested that Mr. Anderson's land on North Greensboro Street be exempted from any moratorium.

Keith Godwin, developer of the Thomas Walker property, requested that this property be excluded from the moratorium.

Thomas Walker requested that his property located within the Joint Planning Area be excluded from the moratorium because this will place a great burden on the Walker family if they are unable to sell this property.

Walter Clark requested that the Walker family property located off Tallyho Trail not be included in the moratorium.

Jef, a resident of Calvander, spoke in favor of the moratorium. Jef stated that he fears the Board will adopt the Small Area Plan if it approves the moratorium.

Linda Hawk requested that the Bob Anderson property be part of the moratorium.

Robert Below, representing the owner of a 30-acre tract in the southeastern part of the Small Area Plan, spoke in opposition to the moratorium.

Erwin Gutzwiller, a resident of Tallyho Trail, stated that the Board was casting conditions on non-Carrboro voting residents.

Neal Alderman, a resident of Fox Meadow, and real estate representative of Thomas Walker, requested that the Walker property not be included in the moratorium.

Kevin Huggins, owner of property in Tupelo Ridge, stated that part of his property is in Carrboro's jurisdiction and part is in Orange County's jurisdiction. Mr. Huggins expressed concern about being caught in a moratorium in the middle of developing his property.

Carol-Ann Greenslade, a member of the SAPWG and resident of Transition Area, stated that she does not feel that there will be a stampede of developments if a moratorium is not approved.

Mayor Nelson stated that the Orange County Board of Commissioners had requested that a decision on this matter be delayed for one week.

Alderman Bryan requested that the Town Attorney amend the proposed ordinance to exempt those developments currently under consideration.

Sue Henson stated that she is trying to buy a lot in the Hogan Farm Subdivision and requested that this property not be included in the moratorium.

Mike Brough stated that the moratorium would only apply to issuance of special and conditional use permits.

PUBLIC HEARING/SMALL AREA PLANNING WORK GROUP'S PROPOSED PLAN

The purpose of this item was for the Board of Aldermen to hold a public hearing and receive a presentation of the Small Area Planning Work Group's proposed Plan for Carrboro's Northern Study Area, and to receive citizens' comments on the proposed plan.

John Rintoul, Chair of the Small Area Planning Work Group, stated that the purpose of the small area plan was to plan for the expected growth for the town. Mr. Rintoul presented a map showing the area covered by the small area plan and the areas represented by the Small Area Planning Work Group. Mr. Rintoul reviewed the main components of the Small Area Plan.

Cory Minton, a resident of 7525 Old N.C. 86, stated there have been four generations of Mintons who live on their property. Mr. Minton stated that he and his family feed wildlife in the area and expressed concern that if factories or buildings are built, the wildlife has no place to go.

Scot Noell, a resident of Morris Grove Heights, stated that area in which he has to play has been decreased because of the building activity around his house. Building will also cut down on the area in which wildlife will have to live in.

Dawn Minton, a resident of 7525 Old N.C. 86, stated that there is currently development all around her. Mrs. Minton expressed concern that taxes will double if their property is annexed by the Town of Carrboro. Mrs. Minton expressed concern about the flooding recently taking place.

Erwin Gutzwiller, a resident of Tallyho Trail, stated that the Small Area Plan does not include an environmental impact statement. Mr. Gutzwiller stated that the recent flooding problems in Chapel Hill have been attributed to flooding upstream in Carrboro. This occurred before any building activity in the Small Area Planning Area.

Deborah Davis-Noell, a resident of 102 Dublin Road, expressed concern that many of the recommendations of the Small Area Plan go against the Year 2000 Task Force recommendations. Ms. Noell stated concern about creating additional commercial areas when the commercial space vacated by Rose's in Carrboro Plaza has stood vacant for so long. Ms. Noell expressed concern that farm land was not being preserved by the plan. Ms. Noell requested that the Board take its time in reviewing this plan and seek additional information from the public before taking any action on the plan.

Ron Wilde, a resident of 7400 Talbryn Way, expressed concern that the plan was not recommending preservation of farm land. Mr. Wilde stated that he feels it is up to the town on how much the town will grow in the future.

Jean Earnhardt, a resident of 600 Bolin Brook Farm Road, requested that the changes in this area be managed together by all those concerned.

Kathy Kilpatrick, a resident of 9204 Laurel Springs Drive, read a petition requesting the Orange County Board of Commissioners table the Town of Carrboro's proposed Small Area Plan and requesting that the Commissioners assure the residents of that area be represented.

Bud Vaden, a resident of 8033 Old N.C. 86, asked why the Hogan Farms development had not been included in this proposed plan.

Anne Mader, a resident of 110 Circadian Way, expressed concern about the costs of providing public facilities in the Transition Area and the environmental problems associated with construction in this area.

Katherine Cole, a resident of Barington Hills, spoke in favor of the Small Area Plan.

Marty Mandell, a resident of 116 Pine Street, stated that the Small Area Plan is a good start. Ms. Mandell suggested that the four jurisdictions arrive at some agreement on the following: (1) no clear cutting of land and no net loss; (2) preserve wetlands, streams and slopes; (3) have interconnecting between communities (open space); do not allow density bonuses; (4) have environmental reviews; (5) sustainability. (6) recycling.

Margaret Brown, a resident of Smith Level Road, urged the Board to use this plan in planning for the Horace Williams tract. Ms. Brown also suggested that GIS mapping be used for this area. Ms. Brown read a letter speaking in favor of community farms in Boston.

Gary Giles, a resident of Bolin Forest and a member of the Small Area Planning Work Group, stated that the SAPWG wanted to provide mixed use.

Livy Ludington expressed concern over the amount of neighborhood business areas. Ms. Ludington urged the Board to listen to citizen's comments and spoke in favor of a moratorium until the plan is approved and requested that farmland be preserved.

Kathy Kaufman, a resident of 7431 Old N.C. 86, feels Carrboro has control over development by zoning, is not convinced that this plan will allow for orderly development, urban scale commercial development will irreparably harm the strong sense of community, and is not sure this plan will cut down on commuting.

Jane Cate Fowler, a resident of 7909 Old 86, stated that the town will have growth and development. Ms. Fowler spoke in favor of planned development.

John Poulton, a resident of 8720 Union Grove Church Road, spoke against the proposed plan.

Linda Roberts, a resident of Calvander, representing her parents, stated that she had attended four meetings of the SAPWG but had resigned because there were only six people from the Northern Transition Area in attendance at the meeting. Mrs. Roberts stated that Calvander had been a community much longer than Carrboro has been a town. Mrs. Roberts gave a history of the Calvander community and stated that her parents have preserved their land. Mrs. Roberts requested that the Board keep a reasonable zoning on their land so that they can preserve it.

Jef, a resident of Calvander, requested that the plan be reworked before it is adopted. Jef stated that it is very important to get the plan right now because the next step is rezoning. The financial investment for this area is not there. The plan does not involve the Town of Carrboro. Jef expressed concern that commercial development is proposed for this area when the industrial node was eliminated within the Town of Carrboro. Jeff stated that the plan is inadequate.

Maria Owens stated that the current board is non-growth and residents should not be concerned about the plan.

Molly White, 212 Brittain Drive, stated that she does not want a Harris-Teeter next to her house.

The Board requested that the town staff put together a list of major concerns raised for discussion on February 13th.

LEASE AGREEMENT BETWEEN THE TOWN OF CARRBORO AND CHAPEL HILL-CARRBORO HEAD START

The administration recommended that the Board of Aldermen authorize the Town Manager to enter into a lease agreement with Chapel Hill-Carrboro Head Start for use of the Hargraves Street Park property donated to the town by Southern Equipment Company. The lease will allow Head Start to place a classroom building on this property.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO THE LEASE AGREEMENT. VOTE: AFFIRMATIVE ALL

IDENTIFICATION OF NEW PROGRAM INITIATIVES AND POLICY GOALS FOR 1996-97

The purpose of this item was to have the Board identify various programs and/or initiatives that it would like to consider as policy goals for the 1996-97 fiscal year. The administration will prepare cost estimates for these various items and present them to the Board on February 20, 1996.

The Board requested that the items listed on the 1996 action agenda be costed out.

APPOINTMENT TO BOARD OF ADJUSTMENT

The Chair of the Board of Adjustment recommended that Greg Shepard be appointed to the vacant in-town seat on the Board of Adjustment.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL TO APPOINT GREG SHEPARD TO THE BOARD OF ADJUSTMENT. AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

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AMENDMENT TO TOWN CODE REMOVING TOWN CLERK'S POSITION FROM PAY PLAN

The Board of Aldermen at its meeting on January 16, 1996 directed the Town Attorney to prepare the necessary Town Code amendment to remove the Town's Clerk's position from the town's Pay Plan. The Town Attorney Prepared an ordinance for the Board's consideration.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING SECTION 3-12 OF THE CARRBORO TOWN CODE." AFFIRMATIVE ALL

AGREEMENT WITH TRIANGLE J COG/CABLE T.V. CONSULTING SERVICES

Under the Cable Act of 1992, Carrboro agreed to regulate local cable franchises. During 1995, Triangle J Council of Governments provided technical, consulting and legal services relating to cable regulation and transfer of ownership. The purpose of this item was to consider continuing the service agreement with Triangle J COG during 1996.

MOTION WAS MADE BY HILLIARD CADLWELL AND SECONDED BY HANK ANDERSON TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO THE AGREEMENT WITH TRIANGLE J COUNCIL OF GOVERNMENTS. AFFIRMATIVE ALL

TRIANGLE J COUNCIL OF GOVERNMENTS CHARTER AMENDMENT

The purpose of this item is to amend Article X, Section 2 of Triangle J Council of Government's charter pertaining to the structure and rate of dues assessed to member governments.

The following resolution was introduced by Alderman Hank Anderson and duly seconded by Alderman Alex Zaffron .

**A RESOLUTION TO CHANGE THE
TRIANGLE J COUNCIL OF GOVERNMENTS CHARTER
Resolution No. 22/95-96**

WHEREAS, The Triangle J Council of Government's work and fiscal operations are controlled by an organizational Charter and By-laws.

WHEREAS, member dues structure is set forth in the Charter,

WHEREAS, The TJCOG member governments would like to pursue alternative funding methods,

WHEREAS, transferring the assessment and structure of dues from the Charter to the By-laws allows the Board of Delegates more flexibility in establishing and modifying the dues structure,

WHEREAS, any change to the TJCOG Charter requires the approval of 2/3 of member governments,

WHEREAS, The Triangle J Board of Delegates requests the approval of this resolution and the approval of the change to the organization's Charter.

NOW THEREFORE BE IT RESOLVED, that the Town of Carrboro approves the proposed Charter amendment as proposed by the Board of Delegates.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 6th day of February, 1996:

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

Noes: None

Absent or Excused: None

SMOKE DETECTORS IN HOUSE TRAILERS

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Alderman Caldwell requested that the town staff investigate whether owners of house trailers could be required to install smoke detectors.

WIDENING OF HILLSBOROUGH ROAD AND OLD FAYETTEVILLE ROAD IN THE VICINITY OF MCDOUGLE SCHOOL

Alderman Bryan requested that the town staff check with NCDOT officials to request that they meet with officials in Carrboro to discuss this proposed widening project.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON TO ADJOURN THE MEETING AT 12:33 A.M. VOTE: AFFIRMATIVE ALL

Michael R. Nebm
Mayor

Town Clerk