

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 23, 1996 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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|---------------|---------------------|
| 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 ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF APRIL 16, 1996. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING TO RECEIVE COMMENTS ON TIME WARNER'S SERVICES

As stipulated in the Transfer of Ownership Agreement, refranchising negotiations for Time Warner Cable will begin within the next few months. The purpose of this item was to set a public hearing to receive public comment on the cable operator's current services and the need for future changes..

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO SET A PUBLIC HEARING FOR MAY 21, 1996. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION/PHASE I, SUNSET CREEK SUBDIVISION

Jim Brandewie, representing Homescape Development Company, Inc., submitted a petition for annexation of Phase I of the Sunset Creek Subdivision. This subdivision contains 19.9 acres and approximately 1 acre of adjacent right-of-way along SR 1009. This property is contiguous to the town limits and is located on Old N.C. 86. The administration requested that the Board adopt a resolution setting a public hearing for May 14, 1996 to consider this request for annexation.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION SETTING A PUBLIC HEARING TO
 CONSIDER THE ANNEXATION OF
 PHASE I, SUNSET CREEK SUBDIVISION
 UPON THE REQUEST OF THE PROPERTY OWNERS
 Resolution No. 40/95-96

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Phase I of the Sunset Creek Subdivision requesting that their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on May 14, 1996 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

186 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 23rd day of April, 1996:

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

Noes: None

Absent or Excused: None

PROCLAMATIONS ISSUED

Alderman Caldwell read a proclamation proclaiming April 22-27, 1996 to be National Organ and Tissue Donation Week in the Town of Carrboro.

Mayor Nelson read a proclamation proclaiming the week of April 28th - May 4th as Disability Awareness Week in the Town of Carrboro.

CHARGE ISSUED TO NEW BOARD APPOINTEE

The Town Clerk issued a charge to Carley Pardington, a recent appointee to the Appearance Commission/ Neighborhood Preservation District Commission.

INTRODUCTION OF NEW UNC STUDENT BODY REPRESENTATIVE

Wendy Tysinger, introduced herself as the new UNC student liaison to the Board of Aldermen for the 1996-97 school year.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/ DEFINITION OF "SENIOR CITIZEN RESIDENTIAL COMPLEX

The administration requested that a public hearing be set for May 14, 1996 to consider revising the Land Use Ordinance provisions regarding "Senior Citizen Residential Complexes." In addition, the administration requested that this proposed amendment be referred to the Planning Board for review and recommendation.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON TO SET A PUBLIC HEARING FOR MAY 14, 1996. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/CIVIL PENALTIES FOR LAND USE ORDINANCE VIOLATIONS

The Board of Aldermen received public comment on a proposed amendment to the Land Use Ordinance which would provide greater flexibility in the imposition of civil penalties for land use ordinance violations.

Mike Brough stated that the proposed amendment allows the Zoning Administrator to determine the amount (up to \$5,000 per day) and levy the civil penalty assessment for ordinance violations (including violations of variances or special use or conditional use permits). The amount of civil penalty cap was set to allow the Zoning Administrator flexibility in levying the penalty based on the degree and extent of the violation and the intent of the violator. The amount of the penalty should be sufficient to serve as a deterrent to further violations.

Allen Spalt, Chair of the Board of Adjustment, stated that the Board of Adjustment recommended that the proposed land use ordinance text amendment be approved with a modification which would allow the Board of Adjustment to increase the amount of the civil penalty which had been imposed by the Zoning Administrator and subsequently appealed to the Board of Adjustment. The Board of Adjustment also recommended that the proposed ordinance be amended to allow them to impose a civil penalty in variance cases when the Board deemed a penalty was warranted by the circumstances leading to the necessity for the variance. The Board of

Adjustment endorses the flexible criteria and the proposed maximum level of \$5,000. Mr. Spalt suggested that the Board might also consider a fine of a certain percentage of the cost of the house.

Mayor Nelson noted that the Planning Board was recommending approval of the proposed amendment.

Richard Ellington, a resident of 109 Bruton Drive, speaking as Vice-Chair of the Board of Adjustment and as a citizen of Carrboro, stated that the purpose of this amendment is to make developers think before committing abuses to the Land Use Ordinance. Mr. Ellington stated that the town staff goes the extra mile in the best interest of the town. Mr. Ellington stated that he thought this amendment would cut down on staff work because of having to deal with problems.

Marek Kossowski, a resident of 103 Bruton Drive, spoke in favor of the proposed amendment. Mr. Kossowski stated that the developers should have to pay for development errors. Mr. Kossowski stated that this civil penalty process will give the town a record of which developers are committing errors.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PROVIDE FOR GREATER FLEXIBILITY IN THE IMPOSITION OF CIVIL PENALTIES FOR ORDINANCE VIOLATIONS," WITH THE ADDITION OF THE RECOMMENDATION FROM BOARD OF ADJUSTMENT AND ALDERMAN ZAFFRON'S ADDITION STATING THAT THE ZONING ADMINISTRATOR MAY ALSO CONSIDER THE SCOPE AND SCALE OF THE PROJECT IN DETERMINING THE CIVIL PENALTY. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (CALDWELL, ANDERSON)

Alderman Caldwell indicated that that he was concerned about the affect of this ordinance on small developers.

SPEED BUMPS (UNDULATIONS) ON STRATFORD DRIVE AND CATES FARM ROAD

The Board of Aldermen at its meeting on October 24, 1995 voted to approve the connections between Stratford Drive and Cates Farm Road along with a total of five conditions. Two of those five conditions included the installation of various traffic calming devices along the aforementioned route. The town staff has coordinated efforts to schedule installation of the undulations. The purpose of this agenda item was to inform the Board as to the location of the undulations, as well as request that the Board adopt the schedule for installation of these devices.

Kenneth Withrow, the town's Transportation Planner, explained the location of the proposed undulations.

Lucy Gallo, a resident of 110 Stratford Drive, stated that currently there are about 200 children that live in this area, with the addition of the Pollitizer property and Hogan Farms there will be an additional 200 children. Ms. Gallo stated that she did not feel undulations were the best solution to traffic control. Mr. Gallo asked that this north/south connector be delayed until another north/south connector is opened.

Susan Skedler, a resident of 108 Stratford Drive, stated that the residents where the undulations are to be located have not been notified of the location of the undulations.

Christine Ellestad, a resident of Pathway Drive, stated that stop signs have been installed on Pathway Drive and feels that these stop signs have slowed the traffic down. Ms. Ellestad spoke in favor of the connector road policy. Ms. Ellestad stated that children should not play in the road and should be taught not to play in the road. Ms. Ellestad stated concern that high school children have to drive to Calvander to get to the high school.

Richard Ellington, a resident of 109 Bruton Drive, questioned whether undulations will effectively slow traffic. Mr. Ellington stated that Hillsborough Road is currently a connector road. Mr. Ellington stated that Stratford Drive is a much better road currently than Hillsborough Road. Mr. Ellington stated that there is already a web of streets in this neighborhood. Mr. Ellington stated that he would like to see some of the Hillsborough Road traffic dispersed to additional streets.

Don Zeppenfeld stated that Wexford and Cates Farm are very dense developments. The Small Area Plan, if approved, will bring a tremendous amount of traffic through Stratford Drive. Mr. Zeppenfeld asked if this is the correct time to open Stratford Drive.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL TO DELAY ACTION ON THIS MATTER UNTIL AFTER THE NEIGHBORHOOD FORUM DISCUSSES THIS MATTER. VOTE: AFFIRMATIVE ALL

REPORT ON FURTHER DEVELOPMENT OF THE CARRBORO LIBRARY

Included on the 1996 Action Agenda was an item to encourage further development of the Carrboro Library.

Mayor Nelson stated that there are currently 1,500 members in the Friends of the Carrboro Library, with a part-time librarian.

Alderman McDuffee presented a report concerning the operation of the Carrboro Public Library, particularly the concerns about the governance, supervision of personnel, and collection policy. Alderman McDuffee stated that Evelyn Daniel, Professor and Dean Emeritus of the UNC-CH School of Information and Library Science, had prepared a contract negotiations letter which provides important background information on the current status of the library and the points of concern in the proposed new contract for the library.

Mayor Nelson requested that the Board consider adopting a resolution requesting the School Board and the County Commissioners to consider changes in the contract for the Carrboro Branch Library.

Martha Tyson, a member of the Friends of the Library, stated that public libraries are established by state statute. The library cannot receive grants for funding until the obstacles in the contract are cleared up.

Karen Long, a member of the Friends of the Library and a McDougle parent stated that she feels that both sides can work together to accommodate concerns.

Barbara Dewey, a member of the Friends of the Library and Media Coordinator with the School System, stated that challenged materials would be discussed by both the Carrboro Library Board and the School Board.

Shelly Worman, Carrboro Public Librarian, stated that the contract dictates the day-to-day operations of the library.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Alex Zaffron.

A RESOLUTION REQUESTING THE SCHOOL BOARD
AND THE ORANGE COUNTY BOARD OF COMMISSIONERS
TO CONSIDER CHANGES IN THE CONTRACT
FOR THE CARRBORO BRANCH LIBRARY
Resolution No. 38/95-96

WHEREAS, the Carrboro Board of Aldermen identified at its 1996 Planning Retreat its desire to nurture and support the growth of a public library in Carrboro; and

WHEREAS, concerns were raised at that retreat regarding the selection policy at the library and other matters; and

WHEREAS, our current library does not meet state and American Library Association guidelines; and

WHEREAS, the Hyconeechee Regional Library Board does not recognize the current library as a true public library; and

WHEREAS, this lack of recognition makes it difficult for our library to grow into adulthood because the state will not provide funding and the library's ability to apply for and receive grants is hindered; and

WHEREAS, the Mayor and Board of Aldermen wish to support the growth of a strong and healthy public library in Carrboro; and

WHEREAS, the Friends of the Carrboro Library have worked diligently for years to establish public library service in our town; and

WHEREAS, Evelyn Daniel, a Carrboro resident and former Dean of the School of Library Sciences at UNC-CH, has suggested changes to rectify the flaws with the current contract governing the library.

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

Section 1. That the Chapel Hill-Carrboro Board of Education and the Orange County Board of Commissioners consider the contract changes as outlined in a memo dated April 6, 1996 from Evelyn Daniel and provide a recommendation to the Carrboro Board of Aldermen.

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Section 2. A copy of this resolution shall be forwarded to the Chair of the Board of Education and the Chair of the Orange County Board of Commissioners.

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 23rd day of April, 1996:

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

Noes: None

Absent or Excused: None

REPORT ON PROJECTED PERSONNEL NEEDS AND SPACE NEEDS FOR THE PUBLIC WORKS DEPARTMENT

Brice Bossler, a graduate student in City and Regional Planning, presented a tentative personnel schedule and supplementary organization charts for the Public Works Department through Year 2006 and tentative space requirements for the department. The purpose of this item was to advise the Board of Aldermen of future personnel and space needs for a new public works facility.

PRESENTATION OF PAY AND CLASSIFICATION STUDY

At its meeting on November 14, 1995, the Mayor and Board of Aldermen authorized the Town Manager to enter into a contract with Municipal Advisors, Inc. to conduct a pay and classification study for the town. The purpose of this item was to receive the results of the study and to review options for implementation.

John Maxwell, with Municipal Advisors, Inc., presented the Pay and Classification Study.

It was the consensus of the Board to schedule a worksession to discuss the study.

GUIDELINES FOR USE OF TOWN COMMONS

Mr. Morgan presented proposed guidelines for use of the Town Commons. Mr. Morgan stated that representatives of the farmers and the Recreation and Parks Commission have reviewed the guidelines and suggested changes. The details for the Fourth of July have not yet been resolved.

It was the consensus of the Board to schedule a discussion of this matter for a later date.

CLARIFICATION OF TOWN'S POSITION ON LANDFILL SITE OC-17

At its March meeting, the Landfill Owners Group requested that Carrboro provide more specifics on its wishes concerning Landfill Site OC-17. The purpose of tonight's agenda item was to discuss the specifics of the Board's request concerning OC-17.

Alderman Bryan requested that he be excused from voting on this matter because his wife owns property located within OC-17.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO EXCUSE ALDERMAN BRYAN FROM VOTING ON THIS MATTER. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Hank Anderson .

A RESOLUTION CLARIFYING THE TOWN OF CARRBORO'S
REQUESTS REGARDING LANDFILL SITE OC-17

Resolution No. 39/95-96

WHEREAS, the Carrboro Board of Aldermen has delayed voting on the proposed OC-17 landfill site until a number of concerns could be addressed; and

WHEREAS, the Board identified several particular concerns; namely, the provision of water and sewer and the provision of recreational space; and

WHEREAS, the Board requested that a meeting take place with neighbors to reach agreement on mitigating the impact of siting a landfill at OC-17; and

WHEREAS, the Board further asked that the participating governing bodies adopt plans to reduce waste by 50% before proceeding with siting the landfill.

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

Section 1. That the Landfill Owners Group (LOG) staff organize a facilitated meeting with neighbors of site OC-17 with the sole topic of that meeting being to determine what can be done to mitigate the impact of a landfill at OC-17.

Section 2. That the LOG establish a dedicated landfill fund to pay for providing water and sewer and that this fund be financed with the tip fee.

Section 3. That the area eligible for water and sewer service be defined by the LOG and approved by all member governments.

Section 4. That part of the Greene Tract be used to provide recreational space.

Section 5. That once Site OC-17 is built, there shall be no future landfill sited in that general area.

Section 6. That each governing body adopt measures to reduce waste by 50% in order to extend the life of the existing landfill until, at least, the year 2011 as part of a comprehensive solid waste management plan.

Section 7. That each LOG member government agree in principle to the above and ask the LOG to propose implementation procedures.

Section 8. 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 23rd day of April, 1996:

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

Noes: None

Absent or Excused: Jay Bryan

DISCUSSION OF BOARD OF ALDERMEN'S SUMMER BREAK

The administration requested that the Board set its summer break for 1996. The Board has taken the month of July in addition to the first week of August as its summer break for the past two years.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE BOARD TAKE THE MONTH OF JULY AND THE FIRST WEEK IN AUGUST AS THE 1996 SUMMER BREAK.
VOTE: AFFIRMATIVE ALL

FORMAT FOR 1996-97 BUDGET

Mr. Morgan presented the proposed format for the 1996-97 budget for the Board's review.

It was the consensus of the Board to approve the format as proposed by the town staff for the 1996-97 budget.

MEETING WITH OWASA REPRESENTATIVES/STONE QUARRY EXPANSION

The Board requested that the Town Manager schedule a worksession with the town's OWASA representatives and Barry Jacobs to discuss the Stone Quarry Expansion project.

REPRESENTATION ON BUDGET REVIEW COMMITTEE

Alderman Bryan requested that a letter be sent to the representatives on the Neighborhood Forum seeking applicants for the Budget Review Committee.

BREWER LANE MIXED USE PROJECT

Alderman Bryan requested that the Board of Aldermen review the revision in the plans for this project which will result in the loss of a 21-inch pecan tree located near the Simply Super Car Wash which was shown on the approved plans as being retained.

REMODELING OF KENTUCKY FRIED CHICKEN

Alderman Anderson requested a report on the details of the remodeling of Kentucky Fried Chicken.

STATUS REPORT ON PREPARATION OF INCLUSIONARY ZONING ORDINANCE

Alderman Zaffron requested a status report on the preparation of an inclusionary zoning ordinance by the attorneys for Carrboro, Chapel Hill and Orange County.

LETTERS OF SUPPORT FOR CAROLINA SPRINGS SENIOR HOUSING PROJECT

The Board authorized the Mayor to send a letter to the N.C. Housing Finance Agency speaking in support of First Centrum's application for low-income housing tax credits. In addition, the Board authorized the Mayor to send a letter to Orange County requesting relief from the impact tax for this project.

REQUEST FOR DISCUSSION OF TOWN'S POLICE PURSUIT POLICY

Alderman Bryan requested that the Board discuss the town's police pursuit policy in light of the April 14th incident in the Lindsay Street area. Alderman Caldwell requested that the town staff obtain copies of the Durham and Hillsborough pursuit policies for the Board's review.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION AT 11:40 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE AND PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

Michael R. Nelson
Mayor

Town Clerk