

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 18, 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 ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF JUNE 11, 1996 AND A CORRECTION TO THE MINUTES OF JUNE 4, 1996. VOTE: AFFIRMATIVE ALL

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**RECOMMENDATION FOR TOWN ENGINEER CONTRACT**

The purpose of this item was to provide the Board of Aldermen with a recommendation and contract for retaining the services of an engineer to perform the duties of "Town Engineer".

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE ENGINEERING SERVICES AGREEMENT TO RETAIN THE SERVICES OF SUNGATE DESIGN GROUP AS THE TOWN'S ENGINEER AND AUTHORIZE THE TOWN MANAGER TO EXECUTE THE CONTRACT. VOTE: AFFIRMATIVE ALL

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**PEDESTRIAN ACCESS/EAST MAIN STREET**

Janet Place Williams, Demir Williford and Hugh Deaner, business owners from the 100 block of East Main Street, expressed concern about the inadequate pedestrian access on East Main Street. Ms. Place Williams reminded the Board that one recommendation included in the Downtown Design Guidelines calls for improvement of pedestrian access in the downtown.

It was the consensus of Board to refer this matter to the Downtown Development Commission and Transportation Advisory Board to review the Downtown Design Guidelines and bring back a recommendation to the Board, and that the Town of Chapel Hill review traffic signalization in this area.

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**PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/HIGHLANDS NORTH SUBDIVISION**

Donald Keith Godwin has requested a conditional use permit for the proposed Highlands North Subdivision located at the northwest corner of the intersection of Rogers Road and Tallyho Trail. This proposed subdivision will contain 18 lots on a total of 9.871 acres. Highlands North is proposed as an architecturally integrated subdivision, with lot sizes ranging from 9,913 to 13,291 square feet. This property is zoned R-10 and is identified as Tax Map 23, Block C, Lot 25.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the plans for the proposed project and stated that the administration recommended approval of the project with the condition that a stormwater detention pond and other drainage improvements be provided as required by the Town Engineer.

Henry Wells, the town's engineer, was sworn in. Mr. Wells explained the existing drainage patterns on this site and the proposed drainage system. Mr. Wells stated that stormwater detention is not necessary for this project.

Keith Godwin was sworn in. Mr. Godwin stated that he is required to carry the 12" waterline to the back of his property. Mr. Godwin stated that the three one-acre lots behind his property are single-family lots and there is no future development beyond those lots. Mr. Godwin stated that they will try to save the holly tree Mr.

Godwin stated that the price range will be commensurate with other homes in this area. Mr. Godwin stated that he had no problems with the Appearance Commission recommendations.

Mike Green, a resident of Tallyho Trail was sworn in. Mr. Green stated that his property is adjacent to this property. Mr. Green spoke against a detention facility in this area. Mr. Green spoke in favor of the proposed drainage system proposed by the town's engineer.

Phil Post, the developer's engineer, was sworn in. Mr. Post stated that they are saving 10 (and hopefully 11) out of 12 large trees on the site

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED HILLIARD CALDWELL BY THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That a stormwater detention pond and other drainage improvements be provided as required by the Town Engineer.
4. That the developer provide a mixed variety of street trees selected from the list of trees on Sheet L-1 of the Conditional Use Permit plans.
5. That an attempt be made to save the 18" holly tree located off Aquia Court. This would include working with the town staff prior to installation of pipes and utilities around this tree. After this work is done, tree protection fencing should be placed around the tree's dripline.
6. That the developer provide a pedestrian access easement to the open space along Rogers Road. This access easement should be five (5) feet in width on each side of the lot lines for a total width of ten (10) feet. This easement should be located along the border of either Lots 1 and 2, 2 and 3, 3 and 4, or 4 and 5.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON TO REQUIRE THE DEVELOPER TO RECONFIGURE THE STREET SYSTEM TO STUB OUT STAFFIELD DRIVE TO THE NORTH. (MOTION WITHDRAWN DUE TO THE LACK OF A SECOND.)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON THAT THE DEVELOPER OBTAIN PRIOR TO CONSTRUCTION PLAN APPROVAL THE DRAINAGE EASEMENTS NECESSARY TO IMPLEMENT THE DRAINAGE SOLUTION PRESENTED TO THE BOARD BY THE TOWN ENGINEER AT TONIGHT'S PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JAY BRYAN TO GRANT THE PERMIT WITH THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ZAFFRON)

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**PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION/TELECOMMUNICATIONS TOWER AT 515 SOUTH GREENSBORO STREET**

This was a public hearing to review an application for a modification of the conditional use permit for the existing telecommunications tower at 515 South Greensboro Street. The modification would allow for the replacement of the existing antenna array's six panel antennas, and two whip antennas. The new antenna array will consist of 12 directional panel antennas which represents an upgrading of the old technology and will improve the capacity of the tower by one-third over the existing antenna array. In addition, the applicant has requested that the Board of Aldermen delete Condition #11 from the existing conditional use permit which requires that they prepare annual engineer reports on the power generated by the tower.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford explained the proposed modification and stated that the administration recommended approval of the modification as requested.

Albert Benshoff, representing 360 Communications, was sworn in. Mr. Benshoff presented an artist's rendering of the present tower and how the tower will look following the changes to the existing tower. Mr. Benshoff stated that they were requesting that Condition #11 (which requires that they prepare annual engineer reports on the power generated by the tower) be deleted since the power coming off the tower will only be at most 8% of the recommended federal threshold.

Karen Multon was sworn in. Ms. Multon stated that the proposed antenna array is actually less at the top of the platform than the existing array. Ms. Multon stated that to her knowledge, none of their towers have fallen.

Pat Garravaglia a resident of 436 South Greensboro Street, requested some landscaping to divert the eye from the antenna.

Mike Brough stated that the Board could add conditions to the permit to add landscaping to the site.

Rubin Hayes, a resident of 111 Roberts Street, was sworn in. Mr. Hayes expressed concern about the increased power on the antenna. Mr. Hayes stated that it is unknown what affect this power will have on children. Mr. Hayes requested that the Board not grant the modification and require the annual monitoring by an outside source. Mr. Hayes stated that the residents have not been monitored to determine whether there have been any effects on them as a result of installation of the existing tower.

Mr. Benshoff stated that the Land Use Ordinance requires that the town notify residents within 200 feet of the site. Mr. Benshoff stated in the future if 360 requests additional modifications, they would be happy to meet with surrounding property owners to discuss the proposed changes. Mr. Benshoff stated that 360 would be happy to enhance the buffers.

Mr. Jacobs a resident of 100 Roberts Street, was sworn in. Mr. Jacobs expressed concern about the affect of the power on his children Mr. Jacobs expressed concern that the proposed changes will make the tower top heavy.

It was the consensus of the Board to delay taking action on this request until June 25th.

Roy Williford, Planning and Economic Developer Director, was sworn in. Mr. Williford stated that most of the studies that Dr. Savages has conducted have dealt with 60 mega hertz type frequencies which deal more with the transmission tower EMF radiation. The cell tower is another subject all together in terms of frequencies they omit. Dr. Savages stated that there have been very few epidemiological studies done on cell towers.

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**PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION/ TELECOMMUNICATIONS TOWER AT TOWN HALL**

This was a public hearing to review an application for a modification of the conditional use permit for the existing telecommunications tower at Town Hall. The modification would allow relocation of the existing 170-foot tall lattice type tower from its current location at the corner of the police/fire building to inside the court yard area between Town Hall and the Fire Department building. The new tower will be a 170-foot tall monopole type tower, which will be of sufficient height to allow for future co-location of other antenna units (subject to separate Board review.)

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the site plan for the proposed modification. Mr. Lankford requested that the Board delay taking action on this request until June 25th at which time the town staff will present the site plan showing the proposed antenna array configuration.

Alderman Bryan requested that the Town Manager check with the Chapel Hill Town Manager on the percentage Chapel Hill receives from the Bell South unit in Chapel Hill.

John Weldon, with Bell South, was sworn in. Mr. Weldon stated that pcs technology will allow for digital transmission by town personnel. The tower will be owned by the town with annual income to the town. Mr. Weldon stated that the tower was designed at the same height as the town's existing tower.

Alderman Bryan asked for information on the largest whip antenna that can be placed on top of the monopole.

It was the consensus of the Board to delay taking action on this matter until June 25th.

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### **REPORT FROM BUDGET REVIEW COMMITTEE**

The purpose of this agenda item was to receive a report from the Budget Review Committee appointed by the Board of Aldermen to review the Manager's recommended budget for fiscal year 1996-97.

Richard Ellington presented the report from the Committee. Mr. Ellington stated that the Committee supports funding to ensure that Carrboro employees earn competitive salaries. In addition, the Committee endorses plans to move forward with a new police facility and to purchase property now rather than later when land is more expensive and increasingly scarce. The Committee suggested that the Board consider combining the financing of the police facility and the acquisition of land for a fire substation, the park and a new public works facility into one single borrowing, and lengthening the term of the new debt to 20 years or longer. The Committee supports the Manager's recommendation to decrease appropriations from the General Fund Balance in order to work toward maintaining a reserve at or above 25% of budgeted expenditures.

A large part of the Committee's deliberations centered on strategies for diversifying and strengthening Carrboro's revenue base and relieving the burden on residential taxpayers. The committee agreed upon the following points:

The town should aggressively seek new businesses--those which are compatible with Carrboro's existing character and those which build upon Carrboro's recognized presence in the music and arts industry.

The town should zone a portion of the small area planning jurisdiction for commercial and/or light industrial development.

The town should implement a business gross receipts tax to replace the existing privilege license fee as part of a strategy of deriving additional revenue from business activity.

The town should work toward developing other new sources of revenue, especially sources which target visitors or those who benefit from town services but do not reside in Carrboro and therefore, do not pay property taxes.

The town should explore possibilities for increasing and/or expanding fees and charges for existing services.

Mayor Nelson requested that this report be included in the Board's 1997 Planning Retreat packet.

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### **COPS UNIVERSAL HIRING GRANT AWARD BUDGET INFORMATION**

Chief Callahan presented the Board with budget information about the COPS Universal Hiring Grant Award. The grant will provide up to 75% of costs for salary and benefits for one officer for a three-year period which should begin in September, 1996. The town is responsible for providing 25% of salary and benefits and the entire cost associated with equipment and training. The total costs associated with salary and benefits for one officer for three years is currently figured at \$98,541.00. Over a three-year period, the Federal amount would be \$73,905.00 and the town would be responsible for paying \$24,636.00.

Alderman Bryan requested that the Chief pursue waiver of the 25% local match.

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1996-97 BUDGET/REVIEW OF DECISION PACKAGES

The purpose of this agenda item was to assist the Mayor and Board of Aldermen in arriving at consensus on the various proposed changes associated with the Manager's recommended budget for the 1996-97 Fiscal Year.

It was the consensus of the Board to schedule a worksessions in the Fall to discuss the location of the community center and property acquisition for other town facilities (fire station, public works building and park for northern transition area).

It was the consensus of the Board to request that the Town Manager make the following changes to the 1996-97 budget:

DELETE/ADD/REDUCE	ITEM	AMOUNT
Delete	Snow Plow and Sand/Salt Spreader	\$ 4,900
Delete	Laurel Street Parking Lot	13,500
Reduce	Safety Consultant	3,000
Increase	After School Program	1,165
Add	Public/Private Partnership	250
Add	Baldwin Park Basketball Court	6,831
Reduce	Carrboro Library	4,000

It was the consensus of the Board to continue discussion on the Pay Plan/Across-the-Board increase on June 25th.

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DISCUSSION OF GUIDELINES FOR USE OF TOWN COMMONS

The Mayor and the Board of Aldermen received a copy of the proposed policy for use of the Town Commons on April 23rd. Due to time constraints they were unable to review the document. The purpose of this item is to review the policy.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO APPROVE THE POLICY FOR USE OF THE TOWN COMMONS WITH THE FOLLOWING CHANGES:

a. Under Section 6.0 (Use of Town Commons), subsection (f) should be rewritten to read: "No reservation shall be required for spontaneous Assemblies occasioned by news or affairs coming into public knowledge within three days of such Assemblies."

b. Under Section 7.0 (Reservation of Town Commons and Payment of Fees), subsection (f) should be rewritten to read: "The person or organization reserving the facility shall be responsible for cleaning it prior to leaving the premises. All trash must be placed in the dumpster. Failure to clean the site, parking areas and adjacent streets will result in the Town charging the responsible person or organization for the direct cost of cleaning the site."

c. Under Section 7.0 (Reservation of Town Commons and Payment of Fees), subsection (h) should be rewritten to read: "Except for Town Sponsored Events, no person or organization may reserve the Town Commons earlier than twelve (12) months in advance or more than twice during any twelve (12) month period."

VOTE: AFFIRMATIVE ALL

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MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY HILLIARD CALDWELL TO ADJOURN AT 12:20 A.M. VOTE: AFFIRMATIVE ALL

*Michael R. Nelson*  
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Mayor

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Town Clerk