

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 25, 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	William Morgan for Michael B. Brough

**APPROVAL OF MINUTES OF PREVIOUS MEETING: JUNE 18, 1996**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF JUNE 18, 1996. VOTE: AFFIRMATIVE ALL

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**CERTIFICATION OF FIRE DEPARTMENT ROSTER**

To satisfy N.C. General Statute 58-86-25 which requires that all certified fire departments certify a complete roster of its qualified firefighters annually to the Firemen's Pension Fund, it is requested that the Mayor be authorized to sign the attached certification.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT/ APPENDIX E, GUIDE FOR LANDSCAPING**

The purpose of this item was to request that the Board of Aldermen consider setting a public hearing for August 27, 1996 on proposed amendments to the Land Use Ordinance, Appendix E, Guide for Landscaping.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO SET A PUBLIC HEARING FOR AUGUST 27, 1996. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING SET/NEIGHBORHOOD STREET DESIGN ALTERNATIVES**

The Board of Aldermen held a public hearing on the Neighborhood Street Design Alternatives on January 16, 1996 and requested that the town staff draft standards for ordinance amendments for minimum right-of-way width, pavement width, sidewalk width, as well as tree requirements for each of the proposed designs. The purpose of this item is to allow the Board to review the proposed amendments and set a public hearing for August 27, 1996.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO SET A PUBLIC HEARING FOR AUGUST 27, 1996. VOTE: AFFIRMATIVE ALL

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**FOUR-WAY STOP SIGN AT THE WESTBROOK DRIVE/BEECHWOOD DRIVE/CHAMBERS RIDGE DRIVE INTERSECTION**

The administration requested that the Board of Aldermen adopt the amendment recommending a four-way stop sign at the intersection of Westbrook Drive at Beechwood and Chambers Ridge Drive.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE DESIGNATING FOUR-WAY STOP SIGNS AT THE INTERSECTION OF BEECHWOOD DRIVE AND CAMBRIDGE DRIVE AT WESTBROOK DRIVE." VOTE: AFFIRMATIVE ALL

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**IMPROVEMENTS TO ESTES DRIVE/NORTH GREENSBORO STREET INTERSECTION**

James Coley, a resident near the North Greensboro and Estes Drive intersection, spoke against the improvements to the intersection of North Greensboro and Estes Drive because those improvements will make driving more convenient and discourage use of public transit. Mr. Coley requested that the Board give further thought to encourage usage of public transportation.

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**FUNDING FOR CARRBORO BRANCH LIBRARY**

Chris Harlos, on behalf of the Friends of the Carrboro Library, stated that Orange County had assumed responsibly for the library in Carrboro. Mr. Harlos expressed concern that the town had not increased last year's funding level for the library. Mr. Harlos suggested that Carrboro assume responsibility for the added benefits to the citizens. Mr. Harlos suggested that the Recreation Department's brochure include information on the library services.

Mayor Nelson requested that the Recreation Department contact Shelly Warman to obtain information on the library services.

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

This was a continuation of the June 18, 1996 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.

Keith Lankford, the town's Zoning Administrator, stated that the FAA does not require lighting on towers that are less than 200 feet in height. Mr. Lankford stated that the applicant had requested that Condition #11 be deleted from the permit which requires that the applicant prepare annual engineering reports on the power generated by the tower.

Pat Garravaglia stated that she had looked at other towers owned by 360 Communications and they had lots of antennas on each of them. Ms. Garravaglia asked that the Board limit the number of antennas on the tower.

Albert Benschhoff, attorney for 360 Communications, stated that this tower is structurally able to accommodate co-location.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MODIFICATION WITH THE FOLLOWING PROVISIONS: THAT THE LANGUAGE REQUIRING ADDITIONAL ANTENNAS COME BACK BEFORE THE BOARD FOR PUBLIC HEARING AND THAT CONDITION #11 REMAIN IN THE PERMIT WHICH REQUIRES THAT THE APPLICANT PREPARE ANNUAL ENGINEER REPORTS ON THE POWER GENERATED BY THE TOWER. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (ANDERSON, GIST, BRYAN)

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

This was a continuation of the June 18, 1996 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.)

Richard Taylor was sworn in. Mr. Taylor suggested that the Board request that the applicant erect a vertical slat fence at the dripline of the maple tree to preserve green space between the Town Hall building and the fire department.

Mr. Morgan stated that Bell South had requested authorization to erect a temporary tower until the lease agreement is finalized.

John Weldon, with Bell South, was sworn in. Mr. Weldon requested that the Board approve the conditional use permit at tonight's meeting. Mr. Weldon stated that they are confident that a lease can be worked out. Mr. Weldon requested that the town allow a temporary pole until the lease is worked out.

Grey Snyders with Bell South, was sworn in. Mr. Snyders stated that this tower is part of a large network in the area and encouraged the Board to approve the c.u.p.. Mr. Snyders stated that it has been proven that monopoles are more structurally sound than other types of towers.

Ellen Perry, a resident of Bim Street, was sworn in. Ms. Perry stated that the current tower at Town Hall is an eyesore and spoke in favor of removing it. Ms. Perry asked that Bell South contact her neighbors before making any further changes.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY HILLIARD CALDWELL THAT THE MODIFICATION BE APPROVED AS PRESENTED. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BRYAN)

Mr. Morgan stated that the applicant would have to come back to the Board for any additional antennas.

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**TIME WARNER SERVICES**

As stipulated in the Transfer of Ownership Agreement, re-franchising negotiations for Time Warner Cable will begin within the next few months. The current franchise will expire in 1999. The purpose of this item was to receive public comment on the cable operator's past and current performance and to identify future cable-related community issues.

Bob Jostin urged the Board to encourage public access users to become involved in the re-franchising process. Mr. Jostin requested that the Board keep in mind the request for a county-wide public access.

Mayor Nelson requested that a re-franchising committee review the proposal by the Peoples Channel.

Mr. Morgan stated that the cable t.v. consultant will provide a time line for the re-franchising process.

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**PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION/LAKE HOGAN FARMS SUBDIVISION**

This was a public hearing to review an application for a modification of the conditional use permit for the Lake Hogan Farms Subdivision to allow for the relocation of an existing telecommunication tower to the southeasternmost corner of the subdivision.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the proposed site plan showing the modification. Mr. Lankford stated that the administration recommended approval of the modification with the following conditions:

1. That an easement agreement be recorded across the Lake Hogan Farm Subdivision to this site along the route shown in the CUP plans prior to construction plan approval.
2. That an erosion control plan be approved by the Orange County Erosion Control Office prior to construction plan approval.

Clyde Holt, an attorney with Holt & Holt and general counsel for GTE, was sworn in. Mr. Holt introduced Rick Isserwood, Scott Wilson, Tom Hester, employees of GTE who had presented various reports to the town staff concerning this proposed amendment. Mr. Holt stated that the current owners of the land had requested that the

tower be relocated. Mr. Holt stated that GTE had gone to every adjacent property owners informing them of their plans to relocate this tower.

Scott Wilson was sworn in. Mr. Wilson stated that he had not received any negative comments from surrounding residents concerning this request. Mr. Wilson stated that the tower will only be seen from the power line easement.

Rick Isserwood was sworn in. Mr. Isserwood was available to answer questions about the structure.

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

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

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BRYAN, GIST)

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:

1. That an easement agreement be recorded across the Lake Hogan Farm Subdivision to this site along the route shown in the CUP plans prior to construction plan approval.
2. That an erosion control plan be approved by the Orange County Erosion Control Office prior to construction plan approval.
3. That the Appearance Commission review the painting and lighting scheme.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CADLWELL THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BRYAN)

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#### **TRAFFIC MANAGEMENT PLAN - PINE STREET**

Kenneth Withrow, the town's Transportation Planner, stated that the purpose of this item is for the Board of Aldermen to review existing volume and speed counts on Oak and Pine Streets and adopt the following recommendations: (1) installation of the passive traffic control devices along Pine Street and at its intersection with North Greensboro Street; (2) Request staff to investigate the use of the experimental traffic devices as noted at the end of the analysis; and (3) Have staff conduct periodic studies of volume and speeds along Pine Street and forward traffic management remedies as needed to the TAB and Board of Aldermen.

Ricki Geiger, representing the Pine Street neighborhood, suggested the installation of a sidewalk, one-waying Pine and Oak Street. Ms. Geiger asked for the opportunity to meet with town staff, neighborhood representatives and Board representatives to discuss traffic management.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO DIRECT THE TOWN STAFF TO INSTALL PASSIVE TRAFFIC CONTROL DEVICES ("NO TRUCKS" SIGNS) ALONG PINE STREET AND AT ITS INTERSECTION WITH NORTH GREENSBORO STREET AND HILLSBOROUGH ROAD, INVESTIGATE THE USE OF EXPERIMENTAL TRAFFIC CONTROL DEVICES (PAVEMENT MARKINGS AND LANDSCAPING), AND CONDUCT PERIODIC STUDIES OF VOLUME AND SPEEDS ALONG PINE STREET AND FORWARD TRAFFIC MANAGEMENT REMEDIES AS NEEDED TO THE TAB AND BOARD OF ALDERMEN.. VOTE: AFFIRMATIVE ALL

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#### **LEASE AGREEMENT WITH BELL SOUTH FOR TOWN HALL TOWER**

The purpose of this item was to authorize the administration to negotiate an arrangement whereby Bell South (or an agent thereof) would construct and convey to the Town a new telecommunications tower at the Town Hall and remove the existing tower, and the Town would then lease space on the tower to Bell South. The Board

was also requested to authorize the administration to publish a notice of the terms of this arrangement in accordance with Article 12 of G.S. 160A so that this lease can be approved at the Board's meeting on August 13, 1996.

Mr. Morgan reviewed the proposed lease arrangement with Bell South.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO AUTHORIZE THE ADMINISTRATION TO PUBLISH A NOTICE OF THE TERMS OF THIS ARRANGEMENT IN ACCORDANCE WITH ARTICLE 12 OF G.S. 160A SO THAT THIS LEASE CAN BE APPROVED AT THE BOARD'S MEETING ON AUGUST 13, 1996. VOTE: AFFIRMATIVE ALL

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**ADOPTION OF 1996-97 BUDGET, PAY PLAN AND MISCELLANEOUS FEES AND CHARGES SCHEDULE**

The Board of Aldermen considered adoption of the following items: (1) a budget ordinance incorporating the changes directed by the Board on June 18th; (2) a Resolution Adopting the Classification and Pay Plan for Fiscal Year 1996-97; and (3) the Miscellaneous Fees and Charges Schedule for Fiscal Year 1996-97.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO INCLUDE \$3,822 IN THE 1996-97 BUDGET FOR THE COMMUNITY POLICE OFFICER. VOTE: AFFIRMATIVE ALL

MOTION AS MADE BY DIANA MCDUFFEE AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE HUMAN SERVICES COMMISSION RECOMMENDATIONS FOR FISCAL YEAR 1996-97. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO ADOPT MISCELLANEOUS FEES AND CHARGES SCHEDULE FOR FISCAL YEAR 1996-97. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to drop Salary Grade 1 from the Pay Plan.

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

**A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 1996-97  
Resolution No. 46/95-96**

WHEREAS, the Board of Aldermen adopts a comprehensive Position Classification and Pay Plan each in conjunction with adopting an annual budget ordinance; and

WHEREAS, the town staff has prepared the 1996-97 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 1996 - June 30, 1997, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 1996-97 fiscal year.

Section 2. All previously adopted versions of the Classification and Pay Plans which conflict with this resolution are hereby repealed.

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 25th day of June, 1996:

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 DIANA MCDUFFEE AND SECONDED BY HANK ANDERSON TO ADOPT THE BUDGET ORDINANCE FOR 1996-97. VOTE: AFFIRMATIVE ALL

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**ADDITIONAL PARKING AREAS FOR USE BY FARMERS' MARKET**

The administration and Transportation Advisory Board recommended adoption of an ordinance allowing parking during the hours of the Farmers' Market and on Sundays from 1:00 p.m. to 6:00 p.m. in the following areas: (a) on the west side of Laurel Avenue along property owned by the Town of Carrboro, (b) along the east side of Bim Street in the location of the improved gravel parking lot, and (c) along both sides of Fidelity Street to the existing terminus as noted within the Town Code (except in the where the Saturday C Bus stops).

Neal Mochel, a member of the Transportation Advisory Board, stated that he voted against the parking on Fidelity Street because it will close the bike lane.

MOTION WAS MADE BY AND SECONDED BY TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE." VOTE: AFFIRMATIVE ALL

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**PROPOSED AMENDMENTS TO CHAPTER 16 (CABLE T.V.) OF THE TOWN CODE**

The town's cable t.v. consultant, Bob Sepe, has recommended that prior to beginning re-franchise negotiations the town make amendments to the current cable t.v. ordinance. The purpose of this item was to request that the Board of Aldermen adopt the proposed amendments to Chapter 16 of the Town Code.

Bob Sepe stated that the FCC has adopted rules requiring cable companies to telecast emergency broadcast messages. Mr. Sepe stated that the Board could consider public, education and governmental access at a later date.

Willis Smith with Time Warner stated that he did not feel the amendments to the town's cable ordinance are urgent.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 16 OF THE CARRBORO TOWN CODE." THAT SECTION 16-39 BE RESERVED. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (NELSON, GIST).

It was the consensus of the Board to request the Agenda Planning Committee schedule a discussion of public, education and governmental access.

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**COMMENTS FROM NEIGHBORHOOD FORUM/STRATFORD DRIVE UNDULATIONS**

The Board of Aldermen at its meeting on April 23, 1996 referred the location of the undulations on Stratford Drive and Cates Farm Road to the Neighborhood Forum for consideration. The Neighborhood Forum at its meeting on May 29, 1996 discussed this matter.

It was the consensus of the Board to request that the town staff investigate other alternative north/south connections with a report back to the Board in early September.

Alderman Bryan asked that the Town Attorney investigate whether the covenants for Wexford and Cates Farm can be changed to open this road.

Tom Shellie, a resident of Stratford Drive, asked if the developer of Wexford would agreed to leave the barricade up until the Board makes a decision on this matter.

Mr. Morgan stated that the developer of Wexford has indicated that he will leave the barricade up until the town directs him to take it down.

Mr. Morgan indicated that he would inform the developer to leave the barricade up until the Board receives the report in September.

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**ADDITIONAL APPOINTMENTS TO SHAPING ORANGE COUNTY'S FUTURE STEERING COMMITTEE**

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HANK ANDERSON TO APPOINT THE FOLLOWING INDIVIDUALS TO THE SHAPING ORANGE COUNTY'S FUTURE STEERING COMMITTEE: RHONDA POPE, CAROLE CRUMLEY, SUSAN PROTHRO, AND LINDA FOXWORTH. VOTE: AFFIRMATIVE ALL

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**OWASA MISSION STATEMENT FOR COMMITTEE TO CONSIDER RATE-MAKING ALTERNATIVES**

It was the consensus of the Board to request that OWASA include on its committee to review rates the fire chiefs from Carrboro and Chapel Hill. In addition, the Board requested that Randy Marshall be contacted to determine his interest in serving on the committee.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO ADJOURN. VOTE: AFFIRMATIVE ALL

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Michael R. Nelson  
Mayor

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Town Clerk