

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 12, 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

PRESENTATION BY BOLIN FOREST HOMEOWNERS ASSOCIATION

Glynis Gore, a member of Bolin Forest Homeowners Assoc., presented a card to the Mayor and Board of Aldermen from the residents of Bolin Forest thanking the town staff for an outstanding job during Hurricane Fran recovery.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF OCTOBER 22, 1996. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/UNIVERSITY COMMONS CONDOMINIUMS

Scott Brunet, of Onsite Corporation, has applied for a conditional use permit to construct 72 condominiums in six separate, three-story buildings on a 17.162-acre tract of land located at 303 Smith Level Road. The property is located on the eastern side of Smith Level Road, just south of Morgan Creek and the Frank Porter Graham Middle School, and is identified as Tax Map 122, Block B, Lot 18. The administration requested that a public hearing be set for November 26, 1996.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO SET A PUBLIC HEARING FOR NOVEMBER 26, 1996. VOTE: AFFIRMATIVE ALL

CERTIFICATE OF APPRECIATION PRESENTED

Mayor Nelson presented a certificate of appreciation to John Rintoul for his service to the town while serving on the Planning Board.

CHARGES ISSUED

The Town Clerk issued charges to Carla Ball, Richard Taylor and Keith Burwell, recent appointees to the Environmental Advisory Board. In addition, the Town Clerk issued a charge to Terry Murphy, a recent appointee to the Recreation and Parks Commission.

REQUEST FOR AERIAL PHOTOGRAPHS OF THE TOWN

Ellen Perry stated that the TAB would like to request that the town have a new aerial map made for Carrboro, the northern transition area, and the southern area of Carrboro.

It was the consensus of the Board to request the town staff to investigate the possibilities for having aerial photographs of the town made.

REQUEST FOR BOARD TO VISIT SITES WITH UNDULATIONS

Ms. Perry reminded the Board to visit sites with undulations.

Mayor Nelson asked that the Transportation Planner arrange a trip to see undulations.

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/BUD MATTHEWS COMMERCIAL BUILDING/301 LLOYD STREET

Jack Haggerty has applied for a conditional use permit, on behalf of Bud Matthews, to construct a 2,952-square foot commercial building on a 0.77-acre tract of land at 301 Lloyd Street.

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 conditional use permit with the following conditions:

1. That the remaining storm water issues related to this site be resolved to the satisfaction of the Town Engineer prior to construction plan approval.
2. That an encroachment agreement be received by the town's Public Works Department for site work within the "B" Street (aka Hosiery Street) right-of-way prior to construction plan approval.
3. That the overhead utility line shown on the plans as running from the Lloyd Street right-of-way to the new pole in the "B" Street right-of-way be placed underground.
4. That a gate with a supporting wheel(s) be installed on the front of the dumpster to screen the dumpster from the adjacent property owners across Lloyd Street.

Jack Haggerty, the developer's architect, was sworn in. Mr. Haggerty stated that the loading dock was placed in the front of the building because of the grade of the land and the costs associated with placing the loading dock at the rear of the building. In addition, Mr. Haggerty stated that the paving on the property would be reduced by placing the loading dock in the front of the building. Mr. Haggerty stated that the delivery trucks would come during regular business hours. Mr. Haggerty stated that the loading dock is located far enough off Lloyd Street that trucks would not block the street. Mr. Haggerty stated the parking spaces were placed in the front of the building where the front door to the business is located. Mr. Haggerty stated that Mr. Matthews has agreed to bury the utilities. Mr. Haggerty stated that the drainage problems on Hosiery Street will be taken care of. Mr. Haggerty stated that if and when they come back with the addition to the building, they will have to address the drainage problems to the rear of the building. Mr. Haggerty stated that the loading dock will be screened.

Andy Cohen, Chair of the Planning Board, was sworn in. Mr. Cohen stated that the Planning Board felt this is a good project for this area. Mr. Cohen stated that the Planning Board had requested that the utilities be placed underground and that the developer meet with the neighbors to discuss the project.

O.J. Rouse, a resident of 100 Hill Street, was sworn in. Ms. Rouse presented a list of concerns from the Lloyd Street Neighborhood Association. Those concerns are: the location of the loading dock which is planned to face Lloyd Street, the increase in traffic on Lloyd Street, safety concerns about large trucks pulling into Lloyd Street, and whether the building design and materials will fit with the community. Ms. Rouse stated that the main problem with this project is the location of the loading dock facing Lloyd Street.

Terry Carver, a resident of 202 Lloyd Street, was sworn in. Mr. Carver stated that his property is located across the street from Rice's Glass. Mr. Carver stated that he would like to see a business located on this property, but asked that the loading dock be located to the rear of the building or to the corner of the building. Mr. Carver stated that the loading dock could be hydraulic if it were relocated. Mr. Carver also expressed concern about the lack of parking on Lloyd Street.

Alvater Burnette, a resident of 102 Hill Street, was sworn in. Ms. Burnette asked that the loading dock be relocated to the rear of the building. Ms. Burnette asked for assistance from the town in having Rice's Glass obey traffic regulations. Ms. Burnette requested the town's assistance in having a traffic signal placed at the Lloyd/Main Street intersection.

Alderman Gist requested that the town staff follow up on Ms. Burnette's concerns about Rice's Glass Company.

Myles Pressler, a resident of Starlight Drive, was sworn in. Mr. Pressler stated that the neighborhood residents did not get involved in this development proposal until last week and asked that the town's notification procedure be amended to notify surrounding residents earlier in the development process.

It was the consensus of the Board to increase the notification of public hearings. Alderman Zaffron requested that the town staff investigate whether surrounding residents could be notified when applications are received.

Chris Peterson, the town's Public Works Director, was sworn in. Mr. Peterson stated that B and Hosiery Streets are both gravel streets and might need some additional maintenance to support tractor trailers.

Bud Matthews was sworn in. Mr. Matthews expressed his concern about security if a fence were installed along the front of his building. Mr. Matthews stated that he would relocate the loading dock to the back of the building if the town would upgrade Hosiery Street.

It was the consensus of the Board to request that the applicant meet with neighborhood representatives to relocate the loading dock to the rear of the building and that this issue be brought back before the Board by December 10th. Alderman Gist requested that the Board be notified of when the meeting is set.

Keith Lankford stated that the Land Use Ordinance requires that a fence over three feet has to meet setback requirements.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CONTINUE THIS PUBLIC HEARING UNTIL DECEMBER 10, 1996. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/APPENDIX I, STORM DRAINAGE DESIGN MANUAL

This was a public hearing to receive public comment on a proposed amendment to the Land Use Ordinance which adds a new Appendix I to be entitled, Carrboro Storm Drainage Design Manual.

Roy Williford, the town's Planning Director, explained the proposed text amendment. Mr. Williford stated that the town does not currently have the detail contained in the proposed Appendix I.

Henry Wells, the Town's Engineer, addressed the Board's questions about diversions of stormwater flow. Mr. Wells stated that there are some typographical errors in Appendix I which he will correct.

Mayor Nelson stated that the Board had received a request from Phil Post requesting that the Board delay action on this matter for one week in order to give him an opportunity to discuss some concerns about the proposed manual with the town engineer.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN TO CONTINUE THIS PUBLIC HEARING UNTIL NOVEMBER 19, 1996. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT TO ALLOW PARKING ON MERRITT MILL ROAD BETWEEN ROSEMARY AND FRANKLIN STREETS

The purpose of this item was for the Board of Aldermen to consider adopting an ordinance which would allow parking on a portion of the west side of Merritt Mill Road between Rosemary Street and West Franklin Street from 9:30 a.m. to 1:30 p.m. on Sundays.

MOTION WAS MADE BY AND SECONDED BY TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO ALLOW PARKING ALONG A PORTION OF THE WEST SIDE OF MERRITT MILL ROAD BETWEEN ROSEMARY STREET AND WEST FRANKLIN STREET DURING CHURCH SERVICES ON SUNDAYS FROM 9:30 A.M. TO 1:30 P.M. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT/CHAPTER 16, SECTION 16-39 (PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS)

At its June 25, 1996 meeting, the Board of Aldermen voted to make changes to Chapter 16 of the Town Code based on recommendations from the Cable T.V. Committee. The Committee recommended dealing with public, educational, and government access (PEG) during franchise negotiations. However, the Board voted to reserve Section 16-38 of the Town Code for PEG and to review this item at a later date.

Steve Small, the Chair of the Cable T.V. Committee stated that the committee recommended that the PEG access issue be discussed during franchise negotiations.

Alderman Zaffron asked that the Cable T.V. Committee review the locally generated public access system proposed by Chapel Hill and asked that the Cable T.V. Committee report back to the Board on that matter.

It was the consensus of the Board that the public, educational and governmental access issue be discussed during cable t.v. franchise negotiations.

RECOMMENDATION FROM CABLE T.V. COMMITTEE TO ADD ELECTRONIC PROGRAM GUIDE TO CABLE LINE-UP

At the August 13, 1996 Board of Aldermen meeting, the Cable T.V. Committee recommended that an electronic program guide be added to Channel 18. During that meeting, a citizen asked what would happen to the Community Bulletin Board already on Channel 18. The Board of Aldermen decided to send the recommendation back to the Cable T.V. for further consideration. The purpose of this item was to recommend adding the electronic program guide while addressing the issue of the Community Bulletin Board.

Steve Small, Chair of the Cable T.V. Committee, stated that the Cable T.V. Committee recommended that an electronic program guide be added to Channel 18, subject to the following conditions: (1) the program guide runs once an hour for approximately 15 minutes; (2) The Community Bulletin Board runs the remaining time--approximately 45 minutes each hour; and (3) Government access programming will preempt both the program guide and the bulletin board.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON TO ADOPT THE CABLE T.V. COMMITTEE'S RECOMMENDATION. VOTE: AFFIRMATIVE ALL

REQUEST TO INCREASE LANDFILL TIPPING FEE

The Board of Aldermen was requested to consider adopting a resolution approving an increase in the current landfill tipping fee from \$31.00 per ton to \$33.00 per ton for both mixed solid waste and construction/demolition waste beginning December 1, 1996.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron .

**A RESOLUTION AMENDING THE USER FEE POLICY
FOR THE ORANGE REGIONAL LANDFILL
Resolution No. 30/96-97**

WHEREAS, the Landfill Owners Group anticipates a revenue shortfall due to the University's planned diversion of coal ash from the Orange Regional Landfill; and

WHEREAS, a tipping fee increase of \$2.00 per ton for both mixed solid waste and construction/demolition waste would help offset the anticipated revenue shortfall; and

WHEREAS, the Landfill Owners Group has recommended that the governing boards authorize the \$2.00 per ton increase for both mixed solid waste and construction/ demolition waste.

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

Section 1. The Board of Aldermen hereby adopts the following tipping fees for the Orange Regional Landfill with an effective date of December 1, 1996:

Mixed Solid Waste - \$33.00 per ton
Construction and Demolition Waste - \$33.00 per ton

Section 2. The tipping fee increases amend the current Fiscal Year 1996-97 Miscellaneous Fees and Charges Schedule adopted by the Board of Aldermen on June 25, 1996.

Section 3. The new fees will only become effective if also approved by the Chapel Hill Town Council and Orange County Board of Commissioners.

Section 4. 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 12th day of November, 1996:

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

Noes: None

Absent or Excused: None

RELEASE OF ECONOMIC DEVELOPMENT FUNDS TO TRIANGLE J COUNCIL OF GOVERNMENTS

The purpose of this item was to request that the Mayor and Board of Aldermen consider adopting a resolution releasing \$949.82 to Triangle J Council of Governments which was appropriated by the General Assembly to Lead Regional Organizations to assist local governments with grant applications, economic development, community development, and to support local industrial development.

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

**A RESOLUTION RELEASING \$949.82 IN ECONOMIC DEVELOPMENT FUNDS
TO TRIANGLE J COUNCIL OF GOVERNMENTS
Resolution No. 28/96-97**

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and

WHEREAS, many counties and cities continue to need assistance in pursuing economic and community development opportunities, but federal assistance in the form of intergovernmental revenues has been severely curtailed in recent years; and

WHEREAS, the General Assembly continued to recognize this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, support of local industrial development and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members' dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the State's General Fund; and

WHEREAS, in Region J funds in the amount of \$48,015 will be used to carry out the economic development plan approved by the COG Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to and consequently benefits of the Research Triangle Park.

NOW, THEREFORE BE IT RESOLVED that the Town of Carrboro requests the release of its \$949.82 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of Chapter 324, House Bill 229, section 9.4 of the 1995 Session Laws.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 12th day of November, 1996:

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

Noes: Jacquelyn Gist

Absent or Excused: None

CHAPEL HILL TOWN COUNCIL ACTION ON SOUTHERN VILLAGE

Alderman McDuffee asked that the town staff follow up on the Chapel Hill Town Council's action regarding Southern Village.

ADVISORY BOARDS RECOGNITION DINNER

Alderman Bryan requested that the town staff schedule a speaker for next year's advisory boards recognition dinner.

SMALL AREA PLAN FACILITATED PROCESS

Alderman Bryan requested that the Town Manager notify the Town of Chapel Hill and Orange County of the tentative dates for the Small Area Plan Facilitated Process which are January 18th and February 1st or 2nd.

CHANGE IN BOARD OF ALDERMEN'S AGENDA FORMAT

Mayor Nelson requested that the Board's agenda format be revised to place "Requests from Visitors and Speakers from the Floor" first on the agenda.

RESOLUTION/TRANSIT FUNDING

Alderman Zaffron requested that the town staff draft a resolution for the Board's consideration requesting the 2001 Commission to prepare recommendations to have the General Assembly dedicate funding for state highway funding projects.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO ADJOURN THE MEETING AT 11:00 PM. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk