

The regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 14, 1997 at 7:30 p.m. in the Town Hall Board Room.

**PRESENT AND PRESIDING:**

<b>MAYOR</b>	Michael Nelson
<b>ALDERMEN</b>	Alex Zaffron Hilliard Caldwell Hank Anderson Diana McDuffee Jacquelyn Gist Jay Bryan
<b>TOWN MANAGER</b>	Robert W. Morgan
<b>TOWN ATTORNEY</b>	Michael B. Brough
<b>DEPUTY TOWN CLERK</b>	James E. Spivey

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA McDUFFEE TO APPROVE THE JANUARY 07, 1997 MINUTES AS WRITTEN. VOTE: AFFIRMATIVE ALL.

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**CARRBORO DAY CELEBRATION**

Alderman Gist extended an invitation to the citizens of Carrboro to serve on subcommittees to assist in planning and participating in the Carrboro Day Celebration. Carrboro Day will be celebrated on May 03, 1997. Alderman Gist invited citizens who are interested in participating in the Carrboro Day Celebration to contact her or the town's Parks & Recreation Department.

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**INTRODUCTION OF NEW STAFF MEMBER**

Roy Williford, Planning Director, introduced Reba Cutting who is the town's new Zoning Development Specialist/Planner.

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**PUBLIC HEARING\COMMUNITY NEEDS FOR FISCAL YEAR 1997-98**

This public hearing was designed to solicit citizen comment on town operations for consideration in the town's development of the Fiscal Year 1997-98 operating budget and capital improvements plan.

Mayor Nelson stated that he was in receipt of a letter from Gerry Williams, proprietor of Roots CD's, which outlined Mr. Williams' budgetary concerns.

Robert Morgan, Town Manager, informed the Board that comments regarding this matter are forthcoming from the Neighborhood Forum.

Ellen Perry, Bim Street resident, read a letter from a concerned citizen which stated that property taxes are too high.

Richard Ellington, 109 Bruton Drive resident, stated that: 1) the tax rate should reflect the inflation rate; 2) the town should enforce the speed limits more stringently to acquire revenue; 3) issue a moratorium on town-subsidizing non-public projects; 4) a gross receipts tax should be established; 5) streets [Barrington Hills Road, Canton Court, Autumn Drive, Downing Court] in the Barrington Hills Subdivision should be scheduled for paving during FY 1997-98; and the budget should reflect the quality of life in Carrboro.

Geraldine Page, Carr Court resident, requested: 1) funding of speed bumps for Carr Court from the railroad tracks down to the valley; 2) that the land surveyor come to the Carr Court community to review surveyed lands; 3) that the tax rate be investigated for Carr Court properties; and 4) that the tax maps for the Carr Court community be updated.

O.J. Rouse, Lloyd Street resident, requested: 1) sidewalks for the Lloyd/Broad Street neighborhood; 2) installation of a water fountain for Broad Street Park; 3) installation of a bathroom for Broad Street Park; 4) planting of flowers and/or bulbs in the community; 5) the installation of speed bumps at Broad Street Park; and 6) funding assistance to the afterschool program of the Lloyd/Broad Street neighborhood.

Pearlie Jones, Carr Court resident, requested that the town install curb and gutters in the Carr Court Community.

It was the consensus of the Board to request that the town's transportation planner attend the next neighborhood meetings of the Carr Court Community and the Lloyd/Broad Street Neighborhood to deliver the appropriate town forms for requesting speed bumps.

It was the consensus fo the Board to request that the town's youth coordinator work with the afterschool program of the Lloyd/Broad Street neighborhood.

The Board was informed that if a street is destroyed due to development construction traffic, the developer is responsible for correcting the street damage.

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### PUBLIC HEARING/REVIEW OF TIME WARNER CABLE'S RATES FOR 1997

Time Warner Cable submitted FCC-1240 forms to the Town of Carrboro. Submission of these forms served as notification that the company made adjustments its cable service rates on January 1, 1997. The purpose of this item was to review forms FCC-1240 and the town consultant's report, accept public comment, and consider adoption of the order which states the town's findings.

Robert Sepe, the town's cable consultant, reviewed the FCC 1240 forms for the Board. Mr. Sepe explained that discrepancies had been found in the initial FCC 1240 forms submitted and those discrepancies had been corrected. He explained that with the corrections to the FCC 1240 forms, the formula had been appropriately applied by Time Warner Cable.

Alderman Gist voiced concern that the quality of service by Time Warner Cable was not acceptable due to complaints from Carrboro citizens regarding their inability to access acceptable governmental programming on cable. Alderman Gist voiced concern that the governing board does not have any real impact on cable fee rates.

Mr. Sepe explained that quality of programming concerns can be addressed through contract compliance.

Alderman Caldwell assured the Board that the town's Cable TV Committee was seriously addressing the issue of acceptable governmental programming with Time Warner Cable.

Ellen Perry, Bim Street resident, stated that cable rates are too expensive.

Mr. Sepe informed the Board that if Carrboro citizen, in large number, voiced their complaints and/or price rate concerns, it would possibly get the attention of the cable providers and could possibly impact the quality of service and fee rates.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST TO ACCEPT THE REPORT FROM THE CABLE CONSULTANT. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DIANA McDUFFEE TO ADOPT THE ORDER. VOTE: AYES 3 (Caldwell, Anderson, McDuffee); NOES 4 (Zaffron, Nelson, Gist, Bryan); ABSENT/EXCUSED 0.

The Board instructed staff to invite the town's congressional representative to a Board of Aldermen meeting to discuss cable television concerns. The Cable TV Committee is to be invited to attend this meeting.

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### WORKSESSION AND REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/DAY CARE CENTERS

Lisa Bloom-Pruitt, Senior Planner, presented this item to the Mayor and Board of Aldermen. Ms. Bloom-Pruitt explained a proposed land use ordinance amendment pertaining to child day care homes and requested that a public hearing date of February 04, 1997 be set to consider this matter.

Marianne Nickelson, a child care provider, addressed the Board regarding providing child care.

Christine Campbell, a child care provider, addressed the Board regarding the differentiation between home day care facilities and child day care center.

There was discussion of large and small day care and home care facilities. For clarification, the Board stated that the issue for discussion is day care facilities for five or fewer children only. The issues of large day care facilities would be discussed at a later date.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING DATE OF FEBRUARY 04, 1997 AND TO REFER THIS MATTER TO THE PLANNING BOARD FOR ITS CONSIDERATION AND RECOMMENDATION. VOTE: AFFIRMATIVE ALL.

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#### WORKSESSION/EFFECTIVENESS OF TREE ORDINANCE

Keith Lankford, Zoning Administrator, presented a report on the effectiveness of the sections of the town's land use ordinance which relate to the retention and protection of trees.

The Board requested that the Town Attorney prepare criteria to:

1. To determine "unreasonably burdened development".
2. To require re-forestation in the event of tree clearance for major developments; being cognizant of the differentiation between private property owner and developer.
3. Encouraging developers to save groups of trees together instead of individual trees.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST:

1. That any developer or builder wishing to work within the jurisdiction of the Town of Carrboro shall be required to watch tree protection videos that the Town has and to sign an acknowledgment form that they have viewed these films stating that they understand their contents, and have been provided with an opportunity to ask questions of the staff.
2. That the zoning administrator draft a letter expressing the town's concerns about tree protection and that this letter be sent to the relevant utility companies under the signature of the Mayor so as to achieve the greatest effect.

VOTE: AFFIRMATIVE ALL.

The Board requested that the report and a copy of the Minutes of the Board's discussion of this item be forwarded to the Environmental Advisory Board.

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#### RECOMMENDATION FROM UNC LAND USE PLANNING COMMITTEE/UNC OUTLYING PARCELS LAND USE PLAN

Alderman Bryan, representing the University Land Use Planning Committee, presented the recommendation of the committee regarding the UNC Outlying Parcels Land Use Plan and requested the Board to deliver its comments and recommendations to UNC Chancellor Michael Hooker prior to the Board of Trustees' January 24, 1997 meeting.

Roy Williford, Planning Director, presented overheads and reviewed the recommendation of the University Land Use Planning Committee.

Gary Giles, member of the University Land Use Planning Committee, addressed the Board regarding independent uses and the preservation of the Bolin Creek Corridor.

Mayor Nelson stated that the letter to Chancellor Hooker should contain very specific language that voices the town's opposition to housing on the west side of the creek.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT A LETTER BE ADDRESSED TO UNC CHANCELLOR MICHAEL HOOKER FOR THE MAYOR'S SIGNATURE THAT

CONVEYS THE BOARD'S COMMENTS AND/OR RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL.

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### MEMORANDUM OF UNDERSTANDING FOR TRANSIT SERVICES

At its December 10, 1996 meeting, the Board of Aldermen referred the Memorandum of Understanding (MOU) for Transit Services to the TAB for review and comments with the request that the TAB consider whether UNC should be asked to pay an additional share of the cost for transit services. The TAB met on December 19, 1996 and reviewed the proposed MOU.

Robert Morgan, Town Manager, reviewed the proposed MOU for the Board. Additionally, Mr. Morgan presented three options for Board consideration if the Board was not satisfied as to how the proposed MOU dealt with the cost shift to Carrboro.

Robert Godding, Chapel Hill Transit Director, addressed questions from the Board.

Alderman McDuffee voiced concern that the population-based formula used in determining jurisdictional cost is not equitable. Alderman McDuffee explained that the inequity arises due to the lack of consideration of benefit to the specific jurisdiction/entity. The population-based formula assumes that there is equal benefit to each jurisdiction/entity.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE MOU USING OPTION #2, WHICH STATES:

1. For the term of the MOU deduct 1.7% [14.3% - 12.5% = 1.8% (this is the difference between the percentage share of population and the percentage share of the five year average budget cost)] from Carrboro's population percentage and add 1.7% to UNC's and .1% to Chapel Hill's.

AND THAT "PROFESSIONAL STUDENT" BE ADDED TO THE DEFINITIONS.

VOTE: AYES 2 (Zaffron, Caldwell); NOES 5 (Anderson, Nelson, Gist, McDuffee, Bryan).

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### DISCUSSION OF INTEGRATED SOLID WASTE MANAGEMENT PLAN

The Mayor and Board of Aldermen began to discuss the integrated solid waste management system at its September 17, 1996 meeting, but was interrupted by a power outage. Due to the lateness of the hour, the Board re-scheduled the discussion of this item for its next meeting on January 21, 1997.

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### AUDITOR SUBCOMMITTEE

The administration requested that a Board subcommittee be established to define criteria for choosing an auditing firm for the town. Hilliard Caldwell and Jay Bryan volunteered to serve on the subcommittee.

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### PUBLIC HEARINGS RE-SCHEDULED

Due to mishaps at the newspaper, public hearing notices for proposed Land Use Ordinance text amendments regarding (1) planned unit developments and (2) no-parking on certain streets in Carrboro were not published as required by Subsection 15-323(b) of the Carrboro Land Use Ordinance. The administration requested that these public hearings be re-scheduled for February 04, 1997.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON THAT PUBLIC HEARINGS FOR PROPOSED LAND USE ORDINANCE TEXT AMENDMENTS REGARDING (1) PLANNED UNIT DEVELOPMENTS AND (2) NO-PARKING ON CERTAIN STREETS IN CARRBORO BE RE-SCHEDULED FOR FEBRUARY 04, 1997. VOTE: AFFIRMATIVE ALL.

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**STATUS REPORT ON COLFAX AND WYNDHAM CONNECTOR**

This item is scheduled for discussion on March 04, 1997.

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**SMALL AREA PLAN FACILITATED MEETING**

Alderman Bryan informed the Board that the scheduled dates for the facilitated process to transpire are March 01, 1997 and April 19, 1997.

Alderman McDuffee informed the Board that the cost of the facilitated process is \$18,000.00. Alderman McDuffee explained the propose breakdown is as follows: 45% to be borne by Orange County; 45% to be borne by Carrboro; and 10% to be borne by Chapel Hill.

The Board requested that letters be written to John Link, Orange County Manager; Cal Horton, Chapel Hill Town Manger; and Julie Andresen, Chapel Hill Town Council Member, requesting that their respective jurisdictional cost of the \$18,000.00 be submitted as soon as possible.

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There being no further business, the meeting was adjourned at 11:35 P.M.

Michael R. Neh  
Mayor

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Deputy Town Clerk