

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 4, 1997 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

REQUEST FOR LAND USE ORDINANCE TEXT AMENDMENT

O.J. Rouse, President of the Lloyd Street Neighborhood Association, asked that the Board consider an amendment to the land use ordinance to increase the distance of notification of public hearings.

Mr. Morgan stated that this amendment will be considered by the Board on March 18, 1997.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF JANUARY 21, 1997 WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE MAP AMENDMENT/REZONING OF BIRGEL PROPERTY/NORTHEAST CORNER OF HIGHWAY 54 AND JONES FERRY ROAD

The administration requested that the Board set a public hearing for February 18, 1997 to consider a request from BFP, Ltd. (Birgel Family Partnership) to rezone 9.1 acres located at the northeast corner of Highway 54 and Jones Ferry Road from B-3 to OA.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO SET A PUBLIC HEARING FOR FEBRUARY 18, 1997. VOTE: AFFIRMATIVE ALL

Alderman Bryan requested that the residents of Alabama Avenue and Windwood be notified of this public hearing.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE MAP AMENDMENT/REZONING OF HODGIN PROPERTY/NORTH OF ROCK HAVEN ROAD

The administration requested that the Board set a public hearing for February 18, 1997 to consider a rezoning request submitted by James and Nancy Hodgin to rezone property located to the north of Rock Haven Road identified as Tax Map 122, Block A, Lots 5, 5F and 5H from O and R-10 to O/A.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO SET A PUBLIC HEARING FOR FEBRUARY 18, 1997. VOTE: AFFIRMATIVE ALL

Alderman Bryan requested that those people who spoke at the Circle K public hearing be notified of this public hearing.

APPOINTMENTS TO PLANNING BOARD

The Chair of the Planning Board recommended that Richard Tanner, Adam Searing, and Katherine Kaufman be appointed to the three vacant seats on the Planning Board.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPOINT RICHARD TANNER AND ADAM SEARING TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION REQUESTING AN APPOINTMENT TO A
TRANSITION AREA SEAT ON THE CARRBORO PLANNING BOARD
Resolution No. 35/96-97

WHEREAS, as a result of a vacancy, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's Transition Area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Transition Area members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to a Transition Area seat on the Carrboro Planning Board whose term would expire in February, 1998:

Ms. Katherine Kaufman
7431 Old N.C. 86
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

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 4th day of February, 1996:

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

Noes: None

Absent or Excused: None

PROCLAMATION ISSUED

Mayor Nelson read a proclamation proclaiming February 17-23, 1997 as the 100th Anniversary of the PTA.

PUBLIC HEARING/ON-STREET PARKING

The Board of Aldermen adopted text amendments that revised residential street standards on August 27 and November 19, 1996. The purpose of this item was for the Board of Aldermen to receive public comment and consider adopting a Town Code amendment regarding on-street parking and a Land Use Ordinance text amendment regarding on-street parking requirements.

Kenneth Withrow, the town's Transportation Planner, pointed out the two ordinance being proposed for consideration by the Board and presented a video showing how the Carrboro Fire Dept. would operate under different scenario on smaller width streets.

Ellen Perry, Chair of the Transportation Advisory Board, stated that the TAB felt the ordinance as written is incomplete because it insufficiently addresses the following issues: (1) new road width guidelines including narrow streets; (2) the times of parking regarding bikelanes, peak and off-peak traffic hours; (3) curb and gutter versus swales (shoulder pavement of the road); (4) incidental parking relating to families and businesses; (5) public services (i.e., snow removal, garbage collection, fire service and postal services); (6) existing roads versus new roads; (7) historical precedent set through relaxing bands by way of citizen comment (i.e., Pathway Drive, Stratford Drive and Westbrook Drive), and (8) addressing homeowner maintained shoulders.

Mayor Nelson requested that a letter from Allen Spalt concerning the proposed amendments be entered into the public record. Mr. Spalt requested that before proceeding with adoption of ordinance amendments that the town:

- Prepare a map showing what streets to which the proposed parking prohibition applies.
- Ask the Police and Fire Chiefs to identify known and potential problem areas.
- Limit the ordinance to areas in which problems may reasonably be expected.
- Include language on warnings, and escalating penalties for chronic, as opposed to occasional, parking problems.
- Implement a review of ordinance requirements to help prevent future bottlenecks. Some of the problem areas are quite new.

Bill Spang, developer of Roberson Place Subdivision, spoke against providing off-street parking in that it would mean paving a larger portion of front yards. Mr. Spang pointed out that not all households have cars. Mr. Spang asked the Board to see how Roberson Place works before changing the parking requirements.

Leon Myers, a builder now working in Carrboro's jurisdiction, stated that the proposed ordinance is a significant change to new street width regulations which have not been tested. Mr. Myers expressed concern that the proposed ordinance had not received input from the design community or the building community. Mr. Myers also expressed concern about the increase in housing costs as a result of the proposed ordinance. Mr. Myers stated that national parking standards are two spaces per dwelling unit.

Greg Isenhow, a building and developer in the Orange County, voiced opposition to the proposed amendment. Mr. Isenhow stated that additional trees would have to be removed to allow for off-street parking, with additional impervious required. Mr. Isenhow asked why garages and carports were not being considered. Mr. Isenhow pointed out that the proposed ordinance would increase the cost of housing.

Eric Chupp stated that the town had just recently adopted provisions decreasing the width of streets. Mr. Chupp stated that builders would choose adding parking along the street over providing off-street parking. The need to provide affordably priced housing will be affected by the proposed ordinance.

Mr. Morgan stated that he would venture to say that currently existing larger lots exceed the parking areas being proposed.

The Board referred the proposed ordinance amendments back to the town staff with the request that the staff prepare a report to the Board responding to Allen Spalt's letter and other comments received at the public hearing, including goals and objectives and problem areas, that the TAB be given a copy of the staff's report, including Mr. Spalt's letter and a copy of the Board's minutes concerning this item, and that the TAB reconsider this matter.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/OFFICE AND OFFICE ASSEMBLY ZONES IN PUD'S

This was a public hearing to receive public comment and consider adopting an amendment to the Land Use Ordinance to add the Office and Office/Assembly zones as permissible options for the commercial element of a planned unit development district.

Lisa Bloom-Pruitt, the town's senior planner, stated that the Office and Office/Assembly zones would be addition to the PUD zoning district as a result of the proposed amendment.

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

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE

TO ADD THE OFFICE AND OFFICE/ASSEMBLY ZONES AS PERMISSIBLE OPTIONS FOR THE COMMERCIAL ELEMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO CORRESPOND.
VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/CHILD DAY CARE HOMES

The Board of Aldermen received public comment and consider adopting an amendment to the Land Use Ordinance which adds the definition of a child day care home and identifies a child day care home as a home occupation within the Table of Permissible Uses.

Mike Brough explained the proposed amendment.

Lisa Bloom-Pruitt, the town's Senior Planner, answered the Board's questions concerning before school and after school day cares with no more than five children.

Mayor Nelson stated that the Planning Board was recommending adoption of the proposed ordinance.

Marilyn Grubbs, a resident of 119 Fidelity Street, stated that much of the community's day care is provided by family day care providers. Ms. Grubbs urged the Board to support family day care homes containing up to 12 children. Ms. Grubbs requested that the fees for large day care homes be waived.

Christine Campbell, a resident of 100 Roberts Street, stated that Chapel Hill assesses large day care centers. Ms. Campbell stated that parents prefer a home setting for day care. Ms. Campbell requested that the special use permit fees be reduced for large day care homes.

Marianne Nicholson, a resident of South Greensboro Street, stated that Carrboro has three elementary schools who all have full capacity in after school day care. Ms. Nicholson stated that family care can provide child care at off hours. Ms. Nicholson stated that families prefer family child care over large institutions, and urged the Board to adopt the proposed ordinance.

Rachel Beck requested that the town bring its ordinance into compliance with state regulations.

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

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO CHILD DAY CARE ARRANGEMENTS AND SENIOR DAY CARE FACILITIES." VOTE: AFFIRMATIVE ALL

Alderman Bryan requested that the town staff provide information from other jurisdictions on fees charged for large day centers.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO AMEND THE MISCELLANEOUS FEE AND CHARGES SCHEDULE TO REDUCE THE FEE FOR SPECIAL OR CONDITIONAL USE PERMIT APPLICATIONS FOR LARGE DAY CARES CENTERS FROM \$1,000 TO \$250. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BRYAN, ANDERSON)

WORKSESSION WITH LLOYD STREET NEIGHBORHOOD ASSOCIATION/DISCUSSION OF BUD MATTHEWS COMMERCIAL BUILDING AND THE POSSIBILITY OF CLOSING HOSIERY STREET AND A PORTION OF B 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. A public hearing was held on November 12 and continued to December 10, 1996 to receive public comment on the proposed project. On January 7, 1997, the Board of Aldermen directed the town staff to schedule a worksession with the Lloyd Street Neighborhood Association, the Board, and the applicant to discuss the conditional use permit application and the possible closure and relocation of Hosiery Street and the possible closure of a portion of B Street. That worksession was scheduled for tonight's meeting.

O.J. Rouse stated that the Lloyd Street Neighborhood Association had met with Jack Haggerty and Mr. Haggerty had agreed to move the loading dock to the left side of the building. Ms. Rouse stated that the Lloyd Street Neighborhood Association continues to desire to have the loading dock located to the rear of the building so that delivery trucks do not have to back onto Broad Street on arrival or departure.

Jack Haggerty explained the necessary improvements to place the loading dock to the rear of the building. Mr. Haggerty stated that the necessary improvements would cost Mr. Matthews substantially more money. Mr. Haggerty stated that the Hosiery Street abandonment would allow relocation of the loading dock to the left rear side of the building.

Roy Williford, the town's Planning Director, stated that the owner of Broad Street had requested the closing of B street in the 1980's and the town had gone through the necessary process to close that street.

Ms. Rouse stated that they are already experiencing problems with trucks entering and exiting Rice's Glass Co. Ms. Rouse stated she felt there would be the same problems with the loading dock if it were located on the left side of the building. Ms. Rouse stated that the loading dock can still be seen from Lloyd Street if it were located on the left side of the building.

Mac Fitch suggested that the loading dock be placed at the front of the building with screening along Lloyd Street.

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/BUD MATTHEWS COMMERCIAL BUILDING

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. A public hearing was held on November 12 and continued to December 10, 1996 to receive public comment on the proposed project. The administration recommended that the Board continue the public hearing at tonight's meeting after holding the worksession with the Lloyd Street Neighborhood Association.

It was the consensus of the Board to continue this public hearing until March 11, 1997 with the request that the town staff prepare a report on the issues associated with relocating the loading dock to the left side of the building, including the necessary road improvements, the drainage issues, and the implications to the town relating to B Street and Hosiery Street.

MEETING WITH NCDOT OFFICIALS/LLOYD/MAIN TRAFFIC SIGNAL

Mr. Morgan informed the Board and the Lloyd Street Neighborhood Association that NCDOT officials will be at the Town Hall on February 13th at 4:00 p.m. to discuss the possibility of placing a traffic signal at the Lloyd/Main Street intersection.

It was requested that those businesses who requested this signal be notified of this meeting.

REPORT ON USE OF CITIZEN OPINION POLLS

The purpose of this item was to provide information on the use of citizen opinion polls as requested by the Board of Aldermen during its 1996 Planning Retreat.

It was the consensus of the Board to delay discussion of this matter until the Board's February 11th meeting.

PERFORMANCE MEASUREMENT PROJECT

The purpose of this item was to request approval from the Board to join the performance measurement project which is being sponsored jointly by the Institute of Government, the N.C. Local Government Budget Association, the N.C. Public Finance Officers Association and the N.C. League of Municipalities and to amend the budget transferring \$3,000 from contingency for Carrboro's share of project costs.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE TOWN STAFF TO PARTICIPATE IN PHASE III OF THE PERFORMANCE MEASUREMENT PROJECT AND THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE 1996-97 BUDGET ORDINANCE TO TRANSFER \$3,000 FROM THE CONTINGENCY FUND TO THE ADMINISTRATIVE SERVICES DEPARTMENT BUDGET," BE ADOPTED. VOTE: AFFIRMATIVE ALL

DISCUSSION OF PUBLIC PROCESS FOR PURCHASE OF PROPERTY

At the retreat the Mayor and Board of Aldermen requested that an item be placed on this agenda to allow them to discuss the public process to consider the purchase of property.

It was the consensus of the Board to delay discussion of this matter until the February 11th Board meeting.

RECEPTION FOR SOUTH AFRICAN VISITOR

The Board authorized the expenditure of \$150.00 from the Board's budget to cover the cost of refreshments for the South African visitor's reception being hosted by Orange County.

POTTERY SHOPS IN B1-C ZONING DISTRICT

The Board requested that the proposed land use ordinance amendments dealing with pottery shops in the B1-C zoning district be scheduled for Board consideration as soon as possible.

REQUEST FOR MEETING WITH OLD WELL HOMEOWNERS ASSOCIATION

The Board requested that the town staff request that a representative from the Old Well Homeowners Association meet with the Board to discuss their new regulations concerning Section 8 housing, and that Don Willhoit and Donna Dyer be invited to attend the same meeting.

SMALL AREA PLAN FACILITATED MEETINGS

Alderman McDuffee informed the Board that Small Area Plan Facilitated meetings will be held on April 19th and May 31st.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO ADJOURN AT 11:53 P.M. VOTE: AFFIRMATIVE ALL

Michael R. Neh

Mayor

Town Clerk