

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 18, 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

REPORT FROM OLD WELL HOMEOWNERS ASSOCIATION

Don Willhoit stated that Old Well Condominiums has a Board of Directors, but individual homeowners oversee their properties. Mr. Willhoit introduced Walker Casey, with the new management company for Old Well.

Mr. Casey stated that they are working with the Police Department and feels Old Well can be made safe. Mr. Casey stated that they are in the process of making a unit available as a police substation.

Don Willhoit stated that he was planning to ask the Board of Directors to reconsider disallowing Section 8 housing at Old Well.

Mr. Casey stated that the homeowners association cannot evict anyone.

Don Willhoit stated that he felt the publicity about Section 8 housing at Old Well was good to draw attention that Section 8 be provided in other apartment complexes.

Mr. Casey stated that they are trying to get the common areas under control, with parking control, recording license plates, having off-hour police officers available.

Mr. Willhoit offered Old Well as a pilot project on how to deal with waste management in a condominium setting.

Tara Fykes, with Orange County Housing and Community Development, stated that they consider that all rental property is available to Section 8 housing. Ms. Fykes stated that finding rental housing is a problem for everyone, but it is not limited just to Section 8 housing participants.

Ellen Perry expressed concern about the loss of federal funding for Section 8 housing. Ms. Ellen asked the Board to send a letter to the federal government opposing this bill.

REQUEST FOR FUNDING

Myles Pressler, co-director of Empowerment, Inc., asked that the \$10,000 allocated for Merritt Mill Square be re-designated for a rental rehabilitation project.

The Board referred this matter to the Agenda Planning Committee to schedule and requested the town staff to review the proposal.

REQUEST FOR REPLACEMENT OF DRAINAGE PIPE/7525 OLD N.C. 86

Dawn Minton, a resident of 7525 Old N.C. 86, stated that there is a drainage pipe culvert next to their driveway which is causing water to flood onto Old N.C. 86. Ms. Minton stated that she has contacted N.C. DOT about replacing the pipe with a larger pipe, but has received no results.

The Board referred Ms. Minton's request to the town staff to assist Ms. Minton in having NCDOT replace the pipe.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY AND SECONDED BY TO APPROVE THE FEBRUARY 11, 1997 MINUTES.
VOTE: AFFIRMATIVE ALL

CHARGE ISSUED TO PLANNING BOARD APPOINTEE

The Town Clerk issued a charge to Adam Searing, a new appointee to the Planning Board.

PUBLIC HEARING/LAND USE ORDINANCE MAP AMENDMENT/REZONING OF BIRGEL PROPERTY/ NORTHEAST CORNER OF HIGHWAY 54 AND JONES FERRY ROAD FROM B-3 TO OA

This was a public hearing to receive citizen comments on 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.

Lisa Bloom-Pruitt, the town Senior Planner, presented the proposal for the rezoning of this property from B-3 to OA. Ms. Bloom-Pruitt stated the town staff recommended approval of the rezoning.

Charlotte Kilpatrick, representing Mr. Birgel, stated that Mr. Birgel would like to put storage units on this property.

James Bateson, a member of the Planning Board, stated that the Planning Board unanimously approved this request for rezoning.

Dan Leonard, a resident of Keith Road, stated that his primary concern was that people will use his side yard as a cut through. Mr. Leonard requested a fence be installed to prevent foot traffic going through his yard.

Dennis Bradshaw, director of Residential Services, expressed concern about manufacturing uses being allowed in the OA zone. Mr. Bradshaw stated that if it is the intent of the land use ordinance to provide employment to surrounding neighborhoods, storage facilities would not meet that objective.

Roy Williford, the town's Planning Director, stated that Gary Road abuts the property in question, so Gary Road could connect through this property.

Dan Leonard stated that it is the understanding of the Windwood Subdivision, that Gary Road would not be extended through this property.

Mike Brough reminded the Board that it has to consider the full range of uses allowed in the proposed zone when considering whether to approve this rezoning.

Monroe Tickle, a resident of Windwood Subdivision, stated that a petition had been presented to the town 25 years ago against opening up Gary Road.

Mr. Williford stated that a Type A screen is required between residential units and the OA zone.

Ben Sallomy, a resident of Gary Road, stated that the Windwood Subdivision is a very peaceful community and asked that the owner of the property confer with the residents of Windwood Subdivision before developing the property.

Chris Stat, a resident of 106 Keith Road, expressed concern that when this property is rezoned, it will be developed.

Al Frye, a resident of 105 Keith Road, stated that he was highly impacted by the N.C. 54 Bypass improvements. Mr. Frye expressed concern that he will be impacted by the development of this property. Mr. Frye stated that he and his neighbors had received notification of the Planning Board meeting where this matter was considered on the day of the Planning Board meeting.

Alderman Bryan requested that the town staff report be updated to include a comparison of the trip generation for B-3 uses versus O/A uses.

It was the consensus of the Board to continue this public hearing until March 11, 1997.

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

This was a public hearing to receive citizen comments on a 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.

Lisa Bloom-Pruitt, the town's Senior Planner, presented the proposal to rezoning this property and stated that the town staff recommended approval of the request to rezone this property from O and R-10 to O/A.

Jim Hodgin, the applicant for the rezoning, stated that O/A allows medical offices, where O does not. Mr. Hodgin stated that he had contacted approximately 20 individuals along Smith Level Road concerning the proposed rezoning and none spoke against the rezoning.

Mayor Nelson pointed out that the Planning Board recommended approval of the proposed rezoning.

Richard Ellington stated that Mr. Hodgin has produced several very attractive facilities in Carrboro and urged the Board to approve the rezoning.

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

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE THREE LOTS (APPROXIMATELY 6.6 ACRES IN SIZE) LOCATED AT 548, 550 AND 560 SMITH LEVEL ROAD DESCRIBED ON TAX MAP 122, LOTS 5, 5F, AND 5h FROM R-10 (RESIDENTIAL, MINIMUM 10,000 SQUARE FEET PER DWELLING UNIT) AND O (OFFICE) TO OA (OFFICE/ASSEMBLY)." VOTE: AFFIRMATIVE ALL

CONDITIONAL USE PERMIT MODIFICATION REQUEST/SUNSET CREEK SUBDIVISION

Homescape Development Company has submitted a letter requesting a modification of Condition #13 of the Sunset Creek Subdivision conditional use permit. This modification, if granted, will: (a) amend the sidewalk requirements; and (b) amend the time limit for constructing the sidewalks to allow certificates of occupancy to be granted by the town for homes in Phase I.

Jim Brandewie stated that they have not responded to the town's request concerning sewer extensions because they are trying to interpret OWASA's policy on its maximum reimbursement.

Wayne Hadler, Mr. Brandewie's attorney, stated that they should be able to respond to the town's request concerning the sewer extensions within two weeks. Mr. Hadler requested the Board go ahead and consider the modification concerning the sidewalks since the two issues are not related.

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

REPORT ON REMOVAL OF BETHEL HICKORY GROVE CHURCH ROAD FROM THE THOROUGHFARE PLAN

The purpose of this item was for the Board of Aldermen to review and comment on actions taken by the town during the mediation process with American Stone, OWASA, and others and to consider requesting N.C.D.O.T. to remove the connection from adopted or draft versions of the Durham-Chapel Hill-Carrboro Thoroughfare Plans.

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

**A RESOLUTION AMENDING THE 1991 DURHAM-CHAPEL HILL-CARRBORO
THOROUGHFARE PLAN TO DELETE THE
NEVILLE ROAD - BETHEL HICKORY GROVE CHURCH ROAD CONNECTOR**
Resolution No. 41/96-97

WHEREAS, the Town of Carrboro, the Town of Chapel Hill, and the North Carolina Board of Transportation approved the Chapel Hill-Carrboro Thoroughfare Plan on January 31, 1984, April 24, 1984, and September 10, 1984 respectively; and

WHEREAS, the Chapel Hill-Carrboro Thoroughfare Plan is the only recognized thoroughfare plan for the local area by the North Carolina Department of Transportation; and

WHEREAS, the Chapel Hill-Carrboro Thoroughfare Plan does not show a road connection between NC 54 and Bethel Hickory Grove Church Road; and

WHEREAS, the road connection between NC 54 and Bethel Hickory Grove Church Road is included within the 1991 Durham-Chapel Hill-Carrboro Thoroughfare Plan; and

WHEREAS, the road connection shown within the 1991 Durham-Chapel Hill-Carrboro Thoroughfare Plan is inconsistent with the 1984 Chapel Hill-Carrboro Thoroughfare Plan.

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

Section 1. That the Board of Aldermen adopts this resolution requesting the Durham-Chapel Hill-Carrboro Transportation Advisory Committee amend the 1991 Durham-Chapel Hill-Carrboro Thoroughfare Plan to delete the Neville Road - Bethel Hickory Grove Church Road Connector.

Section 2. 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 18th day of February, 1997:

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

Noes: None

Absent or Excused: None

AWARD OF CONTRACT FOR LOCAL AREA NETWORK OF COMPUTERS

The purpose of this item was to award a contract for the purchase of equipment and services associated with the implementation of the local area network of computers.

Larry Gibson, Assistant Town Manager, answered the Board's questions concerning this matter.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY DIANA MCDUFFEE TO AWARD THE CONTRACTS OF \$29,227 TO MICRO MEDIC FOR THE PURPOSE OF EQUIPMENT AND PROFESSIONAL SERVICES ASSOCIATED WITH THE LOCAL AREA NETWORK AND SOFTWARE SPECTRUM FOR \$5,747 FOR SOFTWARE AND LICENSING, AND AUTHORIZE THE ADMINISTRATION TO PROCEED WITH THE INSTALLMENT PURCHASE FINANCING OF THE LOCAL AREA NETWORK OF COMPUTERS. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BRYAN)

Alderman Gist requested that the town staff put together a list of items the Board has committed funds to in future years and items that have been approved by the Board during the 1996-97 fiscal year that were not included in the budget.

REPORT ON CALVANDER INTERSECTION IMPROVEMENTS

The Town has received the preliminary drawings for the Calvander intersection improvements. The intersection is recognized by the N.C. Department of Transportation as W-3606. The administration requested that the Board provide comment on the proposed improvements to NCDOT.

Kenneth Withrow, the town's Transportation Planner, presented drawings of the proposed improvements.

Linda Roberts stated that this improvement was placed on the TIP in 1995 and the Calvander residents were not notified. Ms. Roberts stated that the town can request Dr. Gorman Gilbert to re-allocate funding for this project.

It was the consensus of the Board to request that the town staff request a meeting with DOT, interested Board members and interested residents to discuss the proposed plans.

BOARD DELIBERATION AND VOTE/LAND USE ORDINANCE TEXT AMENDMENT/PROVISIONS RELATING TO TOWERS, ANTENNAS, SATELLITE DISHES, AND CABLE TELEVISION FACILITIES

The Board of Aldermen held a public hearing to receive public comment on a proposed amendment to the land use ordinance provisions relating to towers, antennas, satellite dishes, and cable television facilities at its meeting on February 11, 1997. The Board requested the Town Attorney to amend the proposed ordinance to include provisions dealing with amateur radios and citizen ban radios.

Mike Brough stated that he would recommend that the provision restricting the height of towers be removed from the ordinance.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO TOWERS, ANTENNAS, SATELLITE DISHES, AND CABLE TELEVISION FACILITIES." VOTE: AFFIRMATIVE ALL

REQUEST FOR FEE WAIVER/CROP WALK

Mr. Morgan stated that representatives of Crop Walk had requested a waiver of the Town Commons facilities fee. Mr. Morgan informed the Board that the funds to pay a facility supervisor were not budgeted by the town.

It was the consensus of the Board to deny the request from Crop Walk to waive Town Commons facility fees.

PRESENTATION OF COST ESTIMATES FOR BOARD AND MANAGER'S POLICY GOALS FOR 1997-98 BUDGET

Mr. Morgan stated that this item was scheduled for February 25th and requested an additional week to put together cost estimates for the Board's review.

The Board authorized the Town Manager to reschedule this item from February 25th to March 4th.

TREE SALVAGE/UNIVERSITY COMMONS

Mr. Morgan informed the Board that the developer of University Commons had tentatively agreed to allow the removal of trees from his site during a three-day period. Mr. Morgan stated that the Town Attorney would be preparing a waiver for the developer to sign prior to the removal of trees.

REQUEST FOR MEETING WITH DAVID PRICE

The Board requested that Mayor Nelson ask that David Price appear before the Board to answer questions concerning cable television regulations.

UNC LAND USE PLAN

Alderman Bryan requested that the town staff prepare a letter for the Mayor's signature to Chancellor Hooker clarifying the town's actions regarding the UNC land use plan.

REQUEST FOR STATUS REPORT/MIDWAY PARKING LOT

Alderman McDuffee requested a report on the status of the Midway parking lot.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO ADJOURN AT 11:55 P.M. VOTE: AFFIRMATIVE ALL

Michael Nelson
Mayor

Sarah C. Williamson
Town Clerk