

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 25, 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 (ARRIVED 9:00 P.M.) Jacquelyn Gist Diana McDuffee Alex Zaffron
TOWN MANAGER:	Robert W. Morgan
TOWN ATTORNEY:	Michael B. Brough
DEPUTY TOWN CLERK:	James E. Spivey

RECYCLING CONCERNS

Ellen Perry, a Bim Street resident, voiced concern that local business merchants were not recycling and asked if the Board could investigate ways in which to encourage recycling by the local merchants.

Mayor Nelson informed Ms. Perry that a meeting regarding recycling is scheduled at a later date.

Ms. Perry requested that Mayor Nelson accompany her to discuss recycling concerns with some of the local merchants prior to the Board's scheduled meeting to discuss recycling.

Mayor Nelson agreed to accompany Ms. Perry.

UNLEASHED AREA OF CARRBORO COMMUNITY PARK

Jane Smith, a resident of 203 Cedarwood Lane, requested that a fence be installed around the "Unleashed Area" of Carrboro Community Park and that a light be installed to illuminate the area at dusk and night. Ms. Smith explained that her request is prompted by safety concerns for both people and the animals. She submitted a petition with fifty-five signatures.

It was the consensus of the Board to refer this request to the Recreation and Parks Commission.

COALITION FOR ECONOMIC JUSTICE AND A LIVING WAGE

Elizabeth McLaughlin, representing the Coalition for Economic Justice and a Living Wage, informed the Board of a rally scheduled for March 01, 1997 at the Old Post Office in the Fayetteville Street Mall in Raleigh. The rally will be from 10:00 A.M. - 1:00 P.M. and is in response to the federal law which goes into effect on March 01, 1997 that will make a large number of needy people ineligible for food stamps. Buses will leave from the Hargraves Community Center at 9:00 A.M.

TRANSPORTATION ADVISORY BOARD CHAIRMAN INTRODUCED

Ellen Perry, outgoing TAB chair, introduced Neal Mochel as the newly elected TAB chairman.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO APPROVE THE FEBRUARY 18, 1997 MINUTES AS WRITTEN. VOTE: AYES 6 (Anderson, Bryan, Gist, McDuffee, Zaffron); NOES 0; ABSENT/EXCUSED 1 (Caldwell).

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION/SUNSET CREEK SUBDIVISION, PHASE II

James Brandewie, representing Homescape Development Company, Inc., submitted a PETITION FOR ANNEXATION Phase II of the Sunset Creek Subdivision. This property contains 7.97 acres and is located at 9404 Old N.C. Highway 86. The 7.97 acres to be annexed is contiguous to the Town of Carrboro and is Phase II of the Sunset Creek Development.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF SUNSET CREEK SUBDIVISION, PHASE II UPON THE REQUEST OF THE PROPERTY OWNERS

Resolution No. 38/96-97

WHEREAS, the Town of Carrboro has received a petition from the owners of Sunset Creek Subdivision, Phase II requesting that their property be annexed into the town limits of the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

SECTION 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on March 11, 1997 to consider the voluntary annexation of this property.

SECTION 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

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 February, 1997:

Ayes: Hank Anderson, Diana McDuffee, Jacquelyn Gist, Jay Bryan, Alex Zaffron, Mike Nelson

Noes: None

Absent or Excused: Hilliard Caldwell

RESOLUTION OF APPRECIATION TO HARRIET ALFORD

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jay Bryan.

A RESOLUTION HONORING HARRIET ALFORD

Resolution No. 40/96-97

WHEREAS, Harriet Alford dutifully served the children of Carrboro citizens for seven years as a school crossing guard at Carrboro Elementary school; and

WHEREAS, with dignity, patience, consistency, and professionalism, she kept school children safe while crossing the street on their way to and from school; and

WHEREAS, she diligently pursued excellence in her service to the Town of Carrboro;

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

SECTION 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to Harriet Alford for her exceptional service to the children of Carrboro citizens.

SECTION 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Ms. Alford.

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 February, 1997:

Ayes: Hank Anderson, Diana McDuffee, Jacquelyn Gist, Jay Bryan, Alex Zaffron, Mike Nelson

Noes: None

Absent or Excused: Hilliard Caldwell

PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/303 SMITH LEVEL ROAD

This was a public hearing to receive citizen comments on a request from Larry and Viola Atwater to annex their property located at 303 Smith Level Road. This property contains 17.16 acres and is contiguous to the Carrboro town limits. The administration recommends adoption of the ordinance which annexes this property effective February 28, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AYES 6 (Anderson, Bryan, Gist, McDuffee, Zaffron); NOES 0; ABSENT/EXCUSED 1 (Caldwell).

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN THAT THE BOARD OF ALDERMEN ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING 303 SMITH LEVEL ROAD." VOTE: AYES 6 (Anderson, Bryan, Gist, McDuffee, Zaffron); NOES 0; ABSENT/EXCUSED 1 (Caldwell).

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.

Keith Lankford, Zoning Administrator, made the staff presentation. Mr. Lankford explained the staff recommendations and displayed overheads.

Wayne Hadler, attorney representing Homescape Development Company, addressed the Board. Mr. Hadler explained Homescape Development Company's request for this modification was prompted by safety concerns and time constraints in regards to homeowners' ability to move into their newly built homes.

The Board, staff, and representatives of Homescape Development Company discussed the requested modification. During discussion of the modification request, clarification of staff recommendations was made to ensure that all parties had the same understanding of the recommendations.

Steve Garfinkel, resident at 208 Barington Hills Road, voiced concern of the present amount of run-off onto his property. Mr. Garfinkel explained that the proposed impervious surfaced pedestrian walkway between lots #23

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Noes: None

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The Board, staff, and representatives of Homescape Development Company discussed the requested modification. During discussion of the modification request, clarification of staff recommendations was made to ensure that all parties had the same understanding of the recommendations.

Steve Garfinkel, resident at 208 Barington Hills Road, voiced concern of the present amount of run-off onto his property. Mr. Garfinkel explained that the proposed impervious surfaced pedestrian walkway between lots #23

and #24 would only exacerbate the existing run-off problem. He stated that if the proposed walkway is approved, drainage improvements are needed along the Arcadia property line, the proposed walkway, and his property.

Neal Mochel, TAB chair, informed the Board that a possible material to use to address the drainage problem cited by Mr. Garfinkel would be turf stone. Mr. Mochel also questioned who would be responsible for maintaining the proposed walkway and was informed that the maintenance responsibility would be the Town's.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD OF ALDERMEN APPROVES THE SUNSET CREEK SUBDIVISION CONDITIONAL USE PERMIT MODIFICATION REQUEST AS FOLLOWS:

1. The developer install curb, gutter, and sidewalk, as well as widen the roadway to one-half of a 36-foot cross-section (with bikelane) along the frontage of this development along Old NC 86 (the northernmost corner of the OWASA pump station property northward to the northernmost property line of the Sunset Creek Subdivision along NC Old 86) by the end of 1999 or prior to the issuance of the first certificates of occupancy of Phase III, whichever occurs first.
2. The following sidewalk improvement be constructed prior to the issuance of the first certificates of occupancy for Phase II:
 - a. The developer shall construct a minimum 4-footwide sidewalk, using 4 inches of ABC stone and 2 inches of asphalt, starting from Bruton Drive, running south along the eastern side of Hillsborough Road, connecting with the existing sidewalk directly across the road from the McDougle School service entrance.
 - b. The developer shall pay to the Town of Carrboro 20% of the NCDOT's total construction cost for concrete sidewalk construction from Bruton Drive, running north along Hillsborough Road to the OWASA pump station's northern property line.
 - c. The developer shall construct a gravel or turf stone pathway from Sunset Creek, across the OWASA sewer easement between lots #23 and #24 of the same development and the southwest corner of the Arcadia subdivision, connecting to Barington Hills Road; the proposed pathway shall be first reviewed by the town engineer with regards to any drainage impact on Barington Hills Road and any adjoining properties and the town engineer shall report back to the Board regarding the drainage impact issue. If the proposed pathway is approved, a public pedestrian easement shall be required in areas that are not within the public street right-of-way.
 - d. The developer shall secure all of the required easements and encroachment permits necessary to implement all section of the sidewalk that are referenced above, e.g., the pedestrian access across the OWASA sewer easement and across the southwest corner of the Arcadia subdivision, NCDOT, OWASA, and utilities.
 - e. The developer communicate with the two principals of the schools about the pedestrian easement between Lot #23 and #24 for use by the children.

VOTE: AYES 6 (Caldwell, Anderson, Nelson, McDuffee, Gist, Bryan); NOES 1 (Zaffron); ABSENT/EXCUSED 0.

SPEED LIMIT MODIFICATION/OLD FAYETTEVILLE ROAD

The purpose of this item was for the Board of Aldermen to consider adopting Town Code amendments reducing the speed limit on Old Fayetteville Road.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT THE BOARD OF ALDERMEN ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO LOWER THE SPEED LIMIT ON OLD FAYETTEVILLE ROAD". VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN THAT NCDOT BE REQUESTED TO ERECT TRAFFIC WARNING SIGNS INDICATING A LOWER SPEED LIMIT ALONG OLD FAYETTEVILLE ROAD. VOTE: AFFIRMATIVE ALL.

DISCUSSION OF THE TOWN'S REQUEST FOR SPECIAL LEGISLATION

The purpose of this item was to allow the Board to consider whether the Board wishes to request special legislation to: (1) clarify the voting requirements for the board of adjustment; (2) authorize the town to require sprinkler systems in certain circumstances; and (3) authorize the Board to submit questions to a public referendum.

Mike Brough, Town Attorney, explained two memoranda which detailed the purpose, intent, and effect of the three proposed charter amendments.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO REQUEST THAT THE GENERAL ASSEMBLY AMEND THE TOWN CHARTER AS OUTLINED IN THE BILL, "A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER", TO:

- 1) Clarify the voting requirements of the Board of Adjustment.
- 2) Authorize the Town to require sprinkler system in certain circumstances.

VOTE: AFFIRMATIVE ALL.

APPOINTMENTS TO ADVISORY BOARDS

There are terms on the town's advisory boards which will expire in February, 1997. Those whose terms will expire were contacted to determine their interest in being re-appointed. The Chairs were contacted and their recommendations were submitted for the Board's consideration.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO MAKE THE FOLLOWING APPOINTMENTS:

BOARD	NAME
Board of Adjustment	CHRISTINE ELLESTAD
	ERROL MCCAULEY
	ALLEN SPALT
Planning Board	TOY CHEEK*
Appearance Commission/NPDC	BROTHER PEACEMAKER
Transportation Advisory Board	NEAL MOCHEL
	DAZZIE LANE
Parks & Recreation Commission	DORIS MURRELL
Cable T.V. Committee	BRIAN LINDNER
	PAUL SHERRY
	DION PEARSON
Human Services Commission	LILLIE ATWATER
Cemetery Commission	CLEO PERRY
Downtown Development Commission	CHARLES WARD
	LYDIA MASON
Environmental Advisory Board	JOSEPH LOBUGLIO

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

A RESOLUTION REQUESTING AN APPOINTMENT TO AN ETJ SEAT ON THE CARRBORO PLANNING BOARD

Resolution No. 39/96-97

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 ETJ; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint ETJ 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 re-appoint the following individual to an ETJ seat on the Carrboro Planning Board whose term would expire in February, 2000:

Mr. Toy Cheek
831 Old Fayetteville Road
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 25th day of February, 1997:

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

Noes: NONE

Absent or Excused: NONE

CALVANDER INTERSECTION MEETING

Mr. Morgan informed the Board that he had contacted Gorman Gilbert and John Watkins to schedule a meeting for March 03, 1997 or March 04, 1997 at 4:00 P.M. to meet with concerned citizens regarding the Calvander intersection.

It was the consensus of the Board that the submitted dates were too soon and directed staff to re-schedule the meeting in approximately two weeks. Additionally, staff was directed to solicit suggestions from adjacent property owners as to how to address concerns regarding the Calvander intersection.

DEAN DOME CONNECTOR

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Hank Anderson.

A RESOLUTION VOICING DISAPPROVAL BY THE TOWN OF CARRBORO FOR THE DEAN DOME CONNECTOR

WHEREAS, the local governments within the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization conduct a twelve month process of preparing a Transportation Improvement Plan; and

WHEREAS, the annual Transportation Improvement Plan must receive citizen input, including public comment and public hearings from both local and regional venues; and

WHEREAS, the \$1.2 million road project would be constructed on the UNC-Chapel Hill campus; and

WHEREAS, the road project would connect the parking lot on Bowles Drive by the Dean Smith Center with a parking lot located on Manning Drive, with the primary purpose being to alleviate traffic from the Dean Smith Center during games; and

WHEREAS, the Technical Coordinating Committee and the Transportation Advisory Committee of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization had no previous knowledge of the project, does not know how this project affects the Urban Area's equitable formula, and does not know how this project may impact this year's Metropolitan Transportation Improvement Program.

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

SECTION 1. That the Board of Aldermen adopts this resolution disapproving the North Carolina Department of Transportation's ability to fund and construct a roadway by bypassing the federally recognized metropolitan planning process..

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 25th day of February, 1997:

AYES: Hank Anderson, Jay Bryan, Hilliard Caldwell, Jacquelyn Gist, Diana McDuffee, Mike Nelson, Alex Zaffron

NOES: NONE

ABSENT/EXCUSED: NONE

JETS AT THE AIRPORT

The Board directed staff to draft a letter voicing the Town's opposition to jets at the Horace Williams Airport for the Mayor's signature.

CLARIFICATION OF COMMENTS REGARDING BICYCLISTS

Alderman Caldwell clarified comments made at the Board's February 18, 1997 meeting regarding bicyclists along Old NC 86.

SMALL AREA PLAN FACILITATED MEETING

The Board directed staff to distribute press releases regarding the Facilitated Meeting schedule for the Small Area Plan. The Small Area Plan Facilitated meetings are to be held on April 19, 1997 and May 31, 1997.

MAIN STREET PROGRAM

Alderman Bryan requested a status report regarding the Main Street Program.

GRADUATED LICENSING BILL

The Board directed staff to ask other municipalities to write letters of support for the proposed Graduated Licensing Bill.

BIRTHDAY GREETINGS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE BOARD EXTENDS BIRTHDAY GREETINGS TO ALDERMAN HILLIARD CALDWELL FOR BEING 60 YEARS YOUNG. VOTE: AFFIRMATIVE ALL.

It was the consensus of the Board to extend birthday greetings to Alderman Hank Anderson and Alderman Alex Zaffron also.

There being no further business, the meeting was adjourned at 10:55 P.M.

Michael R. Noh
Mayor

Deputy Town Clerk