

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 8, 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

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE MINUTES OF MARCH 25, 1997. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/STREET CLOSING REQUEST/ART ON WEAVER FESTIVAL

Weaver Street Market and Public Gallery of Carrboro, Inc. have submitted a street closing permit application for the temporary closing of East Weaver Street from North Greensboro Street to East Main Street from 10:00 a.m. to 6:00 p.m. on Saturday, June 21, 1997 (rain date of Saturday, June 28, 1997) to accommodate the Art on Weaver Festival. The administration requested that a public hearing be set for May 6, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO SET A PUBLIC HEARING FOR MAY 6, 1997. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/STREET CLOSING REQUEST/CARRBORO-CARDINAL TRACK CLUB 8K

The Carrboro/Cardinal Track Club 8K has submitted a street closing permit application for the temporary closing of several town streets on Thursday, November 27, 1997 from 8:00 a.m. to 9:00 a.m. to accommodate an 8K road race. The administration requested that the Board set a public hearing for May 6, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO SET A PUBLIC HEARING FOR MAY 6, 1997. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/STREET CLOSING REQUEST/1997 APS POOCH PARADE

The Animal Protection Society of Orange County has submitted a street closing permit application for the temporary closing of East Main Street from the Roberson Street intersection to the West Main Street intersection, West Main Street from the East Main Street intersection to Town Hall Drive from 2:00 p.m. to 2:45 p.m. on Saturday, October 25, 1997 for the 1997 APS Pooch Parade. The administration requested that a public hearing be set for May 6, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO SET A PUBLIC HEARING FOR MAY 6, 1997. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO PLANNING BOARD

The Chair of the Planning Board recommended that John Marshall be appointed to the vacant in-town seat on the Planning Board.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPOINT JOHN MARSHALL TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/UCC LIVING CENTERS

Arthur Cogswell, on behalf of UCC Living Centers, Inc., has applied for a conditional use permit to divide a 9.643-acre site located at the northeastern corner of Culbreth and Smith Level Roads into three lots and to construct two separate buildings which will constitute a senior citizens residential complex. The administration recommended approval of the conditional use permit with conditions.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the proposal for this project and stated that the administration recommended approval of the conditional use permit with the following conditions:

1. That the property owner submit a petition for annexation prior to construction plan approval.
2. That the requested deletion of 6 parking spaces be approved as authorized by Section 15-292 and 15-316(d) because of the tree loss which would result from the provision of such parking spaces.
3. That the applicant's requested deletion of the children's playground equipment from the apartment building's site plans be granted.
4. That the applicant's requested deletion of the children's playground equipment from the assisted living building's site plans be granted.
5. That all relevant encroachment agreements, cross easements and joint maintenance agreements be recorded (both internally between the proposed lots and between this project and the property owner to the north (i.e., the proposed University Commons project) prior to final plat approval.
6. That in no event will the assisted living building contain more than 80 beds.

Henry Wells, the town's engineer, was sworn in. Mr. Wells explained the drainage plan for the site.

Arthur Cogswell was sworn in. Mr. Cogswell pointed out that the entranceways are aligned so as to discourage cut through traffic. Mr. Cogswell pointed out that about 15% of the apartment dwellers will have cars. Mr. Cogswell stated that there will be approximately six to eight employees on site at any given time. Mr. Cogswell stated that the exterior doors will be locked, but will automatically open if smoke alarms go off. Mr. Cogswell stated that they are tax exempt.

Henry Lister was sworn in. Mr. Lister stated that the mobility of the assisted living units will be limited because services will be provided on-site. Mr. Lister stated that they will consider purchasing a van to transport residents from the assisted living units.

Mr. Cogswell stated that they have added landscaping to screen the condensing units for HVAC from Culbreth Road and from the internal vehicle accommodation areas. Mr. Cogswell stated that they would request that the playground equipment not be required because of the liability involved.

Mr. Lister stated that they would like to encourage residents to leave the campus, therefore that is one reason why they were requesting that the playground equipment not be required.

Andy Cohen, Chair of the Planning Board, was sworn in. Mr. Cohen stated that the Planning Board was very favorably impressed by this project and felt it will bring diversity to the town. Mr. Cohen stated that the Planning Board was a little concerned about the parking. Mr. Cohen stated that the Planning Board was inclined to have the tot lot included.

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

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) That the property owner submit a petition for annexation prior to construction plan approval.
- 4) That the requested deletion of 6 parking spaces be approved as authorized by Section 15-292 and 15-316(d) because of the tree loss which would result from the provision of such parking spaces.
- 5) That any remaining items with OWASA, the Town Engineer, or any other reviewing agency be addressed prior to construction plan approval.
- 6) That all relevant encroachment agreements, cross easements and joint maintenance agreements be recorded (both internally between the proposed lots and between this project and the property owner to the north (i.e., the proposed University Commons project) prior to final plat approval.
- 7) That in no event will the assisted living building contain more than 80 beds.
- 8) That, at the Covenant Place Apartment complex, if impossible to relocate the condensing units for HVAC so they are screened from Culbreth Road and from the internal vehicle accommodation areas, the applicant consider providing additional screening.
- 9) That, if it is deemed impossible to relocate the utility bases so they are screened from roadways and public areas, the applicant consider providing additional screening.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO ADD THE FOLLOWING CONDITIONS TO THE PERMIT:

- 1) That the applicant's requested deletion of the children's playground equipment from the apartment building's site plans be granted.
- 2) That the applicant's requested deletion of the children's playground equipment from the assisted living building's site plans be granted.

VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BRYAN)

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL TO GRANT THE APPLICATION, SUBJECT TO THE CONDITIONS AGREED ABOVE. VOTE: AFFIRMATIVE ALL

WORKSESSION/TRAFFIC CALMING DEVICES ALONG STRATFORD DRIVE

The Board of Aldermen, in conjunction with the Transportation Advisory Board, met in worksession with Robert Rodriguez, Barbara Dentz and Lucy Gallo from the Wexford neighborhood, along with Allen Williford, a consulting engineer employed by the neighborhood, and the chair and vice-chair of the town's Transportation Advisory Board..

Mr. Rodriguez stated that it estimated that 3800 trips per day will be generated along Stratford Drive when it opens. Mr. Rodriguez stated that their goals for traffic calming are: uniform 35 mph speed along the street, no

more than 1500 trips per day, and that some type traffic calming devices be in place when the road opens. Mr. Rodriguez stated that they are requesting chicanes (two pairs on South Stratford and one pair on North Stratford, a traffic circle at Stratford/Tramore, and a raised crosswalk on North Stratford. Mr. Rodriguez stated that they feel four speed humps would be needed on South Stratford and three on North Stratford, with too many distractions. Therefore, the residents of Stratford were not interested in pursuing speed humps. Mr. Rodriguez stated that the residents would contribute to the cost of landscaping and permanent maintenance of the chicanes and would only request that the crosswalk be painted, not raised. Mr. Rodriguez stated that the residents would request that appropriate signs be installed for the chicanes and crosswalk. Mr. Rodriguez stated that they would recommend that inexpensive temporary devices (barrels) be installed for 3 months when the street opens, measure traffic for 30 days, measure traffic for 60-90 days, install permanent chicanes within 3 months, measure traffic at least annually after permanent installation. For the long term, install a traffic circle or additional chicanes if any of the following occur: 85th percentile speed of 35 mph, 85th percentile speed of 30 mph and 2000 vehicles per day, 2500 vehicles per day.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO HOLD THE PUBLIC HEARING ON THE COMPROMISE PROPOSAL FOR TRAFFIC CALMING DEVICES SUBMITTED BY THE WEXFORD REPRESENTATIVES. VOTE: AFFIRMATIVE ALL

CALVANDER INTERSECTION IMPROVEMENTS

The Mayor and Board of Aldermen at its meeting on March 25, 1997, took a vote on whether to request N.C. DOT to reduce the taper lanes to 575 feet and to reduce the shoulder width to four feet for the proposed improvements at the Calvander intersection. This motion resulted in a tie vote, and the Board expressed its desire to take a second vote on this motion at tonight's meeting. In addition, the Board requested a copy of the town's engineer's report on the proposed improvements, and requested a copy of N.C. DOT's standards for similar intersection improvements.

Henry Wells, the town's engineer, answered questions concerning the proposed improvements.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO REQUEST N.C. DOT TO REDUCE THE TAPER LANES FROM 675 FEET TO 575 FEET AND TO REDUCE THE SHOULDER WIDTH FROM SIX FEET TO FOUR FEET FOR THE PROPOSED IMPROVEMENTS AT THE CALVANDER INTERSECTION. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (ANDERSON, CALDWELL, GIST, BRYAN)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO REQUEST THAT A SECOND MEETING BE SET WITH N.C. DOT TO DISCUSS THE ISSUES RAISED IN THE CRITERIA, THAT WORKING DRAWINGS WITH OVERLAYS BE MADE AVAILABLE TO DETERMINE WHETHER ADJUSTMENTS CAN BE MADE TO LESSEN THE IMPACT ON PROPERTY OWNERS. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (ZAFFRON, ANDERSON, NELSON, MCDUFFEE)

REQUEST TO SET JOINT PUBLIC HEARING/INTEGRATED SOLID WASTE MANAGEMENT PLAN

The administration requested that the Board consider adopting a resolution setting a joint public hearing with the Chapel Hill Town Council, Hillsborough Board of Commissioners and Orange County Board of Commissioners on for May 22, 1977 at 7:00 p.m. at the Stanback Middle School. The purpose of the public hearing will be to receive public comment on the integrated solid waste management plan.

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

**A RESOLUTION SETTING A JOINT PUBLIC HEARING
OF THE GOVERNING BOARDS OF CARRBORO, CHAPEL HILL
HILLSBOROUGH AND ORANGE COUNTY
ON INTEGRATED SOLID WASTE PLANNING
Resolution No. 45/96-97**

WHEREAS, the Landfill Owners Group has adopted a schedule for the development of a solid waste management plan that includes a public hearing on the plan; and

WHEREAS, N.C. General Statute G.S. 130A-309.09A(b) requires that each local government hold an advertised public meeting as a minimum requirement for public participation in the development of the required solid waste management plan; and

WHEREAS, the Landfill Owners Group believes that a single public hearing, at which all elected members of all governments of the owners group are present, could be more effective in communicating citizens' requests than a series of separate meetings by each government; and

WHEREAS, the members of the local governments have not yet given full consideration to the elements of the integrated solid waste management plan.

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

Section 1. The Carrboro Board of Aldermen hereby sets May 22, 1997 at 7:00 p.m. at the Stanback Middle School as a joint public hearing date with the Chapel Hill Town Council, Hillsborough Board of Commissioners and Orange County Board of Commissioners to receive citizens' comments on the integrated solid waste management plan.

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 8th day of April, 1997:

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

Noes: None

Absent or Excused: None

BUDGET AMENDMENT

The purpose of this agenda item was to amend the 1996-97 fiscal year budget, transferring monies from non-departmental to the various operating accounting for across-the-board increases (effective 1/1/97), pay plan adjustments, merit increases approved during the current year, service level benefits and dependent health insurance coverage.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'96-97 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

SALES BY NON-PROFITS ON TOWN COMMONS

The purpose of this item was for the Mayor and Board of Aldermen to consider an amendment to the Town Code and an amendment to the policy on use of the Town Commons to allow non-profits to sell goods and merchandise at events sponsored or conducted on the Town Commons.

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

A RESOLUTION AMENDING THE TOWN POLICY
ON THE USE OF THE TOWN COMMONS
Resolution No. 44/96-97

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. Section 7 of the town policy on the use of the Town Commons (Number 420-19) is amended by adding a new paragraph (E" to read as follows and by redesignating existing paragraphs E through H as F through I:

- E. Whenever the Town Commons is reserved by a non-profit organization that wishes to sell goods or merchandise at the event sponsored or conducted by such organization, as authorized by Subsection 14-20(b)(5), the applicant shall pay an additional fee of \$25.00.

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 8th day of April, 1997:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE PROVISIONS RELATING TO THE SALE OF GOODS ON TOWN PROPERTY." VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the Agenda Planning Committee to schedule a discussion of recreation fees.

PUBLIC HEARING RESET/CONDITIONAL USE PERMIT REQUEST/THE CEDARS

Mr. Morgan stated that due to an advertising error, the administration was requesting that the Board re-set the public hearing originally scheduled for April 15, 1997 to April 22, 1997 on the conditional use permit request for The Cedars.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO RE-SET THE PUBLIC HEARING FOR APRIL 22, 1997. VOTE: AFFIRMATIVE ALL

DISCUSSION OF STUDY BANNING RECYCLABLES

Alderman McDuffee requested that the Agenda Planning Committee schedule a discussion of a study banning recyclables.

REQUEST FOR STATUS REPORT/DRAINAGE PROBLEM/204 COBBLESTONE DRIVE

Alderman Bryan requested a status report on the drainage problem at 204 Cobblestone Drive.

PROTECTION OF BOLIN CREEK

Alderman Bryan requested a status report on when the Board is scheduled to discuss protection of Bolin Creek and the implementation plan for this item.

REQUEST FOR DEDICATION CEREMONY/NEW POST OFFICE

Alderman Caldwell requested that the town staff contact the Carrboro Postmaster to determine whether a dedication ceremony had been held for the new post office.

JOINT MEETING WITH CHATHAM COUNTY BOARD OF COMMISSIONERS

The Board requested that the Town Manager contact the Chapel Hill Town Manager to request that the joint meeting with the Chatham County Board of Commissioners and Chapel Hill Town Council be rescheduled from May 6th because of that date being a Board meeting night.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN TO CLOSED SESSION AT 11:03 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

Michael R. Neh
Mayor

Town Clerk