

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 13, 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 FUNDING/CHAPEL HILL-CARRBORO-UNC CRIME STOPPERS

Nat Davis, a resident of 104 James Street, and speaking on behalf of the Chapel Hill-Carrboro-UNC Crime Stoppers, asked that the Town of Carrboro consider contributing to the Crime Stoppers program.

The Board requested that representatives of the Crime Stoppers program complete a funding application and appear before the Human Services Commission with their request for funding.

CARRBORO DAY

Sharon Worthington, Co-Chair of the Carrboro Day Committee, announced that Carrboro Day will take place on May 17th and invited everyone to attend.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE MAY 6, 1997 MINUTES. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Nelson read a proclamation proclaiming May 18th as Bicycle Safety Awareness Day.

DONATION OF PAINTING

Mayor Nelson announced that Hal Marks had donated a painting to the town and requested authorization to take funds from the town's contingency fund to have the painting framed.

It was the consensus of the Board to authorize the framing of the painting and requested that a resolution of appreciation be prepared for presentation to Mr. Marks.

DISCUSSION OF COBBLESTONE DRAINAGE PROBLEMS

Mr. Morgan informed the Board that due to illness, the town engineer, was unable to be in attendance at tonight's meeting.

Mike Brough reviewed a memorandum addressed to the Mayor and Board of Aldermen regarding the town's participation in solving drainage problems on private property. Mr. Brough stated that although the town has no legal obligation to do so, the town has chosen to regulate the stormwater impacts of new development pursuant to Section 15-263(a)(2) of the land use ordinance. The general rule of thumb used to implement this provision is that a development must sufficiently control its stormwater on site such that the post-development rate of run-off

does not exceed the pre-development rate. Furthermore, under Section 15-262(e) of the land use ordinance, this standard is applied using the 10-year storm, except that the 25-year storm is used for the design of drainage facilities that cross streets. Mr. Brough stated that the town bears no legal responsibility for drainage problems that occur spite the town's efforts to avoid them. The only time the town can be held liable for stormwater problems is when water is unreasonably channeled from town-owned property onto adjoining property. The town cannot spend public funds to correct private drainage problems, except by making improvements to the town's drainage system. If improvements to drainage facilities located within a public right-of-way will help solve a problem on private property, the town has the authority to spend public funds to make such an improvements. Apart from this approach, the town has no more authority to spend public funds to correct a drainage problem on private property, even if the problem is one that the town allegedly should have prevented, than the town would have to spend public funds to repair a private dwelling in order to correct building code violations that were not caught in the inspection process.

Roy Williford, the town's Planning Director, stated that the town engineer had looked at diverting the water. The University was not willing to do this. Mr. Williford stated that the town had discussed ditching with the Cobblestone property owners.

Mr. Morgan stated that the town's engineer is still working to determine what the best solution to the Cobblestone drainage problems will be.

Alderman Bryan requested that the Town Engineer address the question of whether the drainage problems have increased as a result of the development of the Wexford Subdivision.

Kenneth Horne, a resident of 103 Cobblestone Drive, stated that according to Sungate Design, his drainage problem was caused by Cates Farm. Mr. Horne questioned why his problem has not been corrected.

Mayor Nelson requested a copy of the engineer's report on Mr. Horne's problem.

David Lane, a resident of 1259 Pathway Drive and President of the Cobblestone Subdivision, read a statement from Cobblestone residents stating that their concerns are as follows:

- This problem has already adversely affected the property values of those residents involved and must be dealt with immediately.
- Property usage should not be affected by any solution implemented. To this end, we strongly feel that any channeling or controlling of storm water runoff must be done underground and connected to existing infrastructure-as was outlined and deemed workable over a year ago, in a meeting between the Carrboro Town Planner and the developer's engineer.
- Property owners must be compensated for allowing the creation of any easements on their properties needed to provide a solution.
- The town, not the Cobblestone Homeowners Association, should be responsible for the maintenance of any solution implemented.
- We feel that the creation of two ponds, namely a holding pond and sediment pond should be done now, not later when the Wexford development is complete.
- Once the final calculations are done for the sizing of these ponds, we are adamant that the size be increased by at least 50%.
- As mentioned above, the runoff system used for these ponds must be underground, to allow for the normal use of properties.
- The existing run-off channel between 202 and 204 Cobblestone Drive must be re-dug as it has been filled with sediment and does not perform its function well.

CONNECTOR ROAD DESIGN STANDARDS

The purpose of this item was for the Board of Aldermen to: (1) review the Town Manager's response to questions posed by the Board concerning road design as it relates to speeds and/or volumes; (2) forward the information as presented to the Neighborhood Forum for its June 11, 1997 meeting; and (3) set a public hearing date for August 19, 1997.

Kenneth Withrow reviewed the proposed revisions to the town's connector road policy being recommended by the Transportation Advisory Board.

Alderman Zaffron suggested that the town staff review the City of Belmont's land use ordinance dealing with street length, and questioned why four-way stops had not been included in the proposed amendments.

Alderman Bryan stated that he disagreed with the TAB's recommendation that all roads be interconnected and that cul-de-sacs be prohibited. In addition, Alderman Bryan requested an opportunity to see Belmont's ordinance dealing with street design.

Alderman Gist stated that she felt cul-de-sacs should be allowed.

Alderman McDuffee stated that she disagreed with the language that cul-de-sacs are encouraged.

Mayor Nelson stated that he feels that grid patterns are better for neighborhoods and that he would agree with language that cul-de-sacs and loops streets are not encouraged.

Mike Brough pointed out that the language for subsection 15-217(b) does not include current language that states: "Similarly, to the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards."

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO SET A PUBLIC HEARING FOR AUGUST 19, 1997 ON THE PROPOSED AMENDMENTS AND THAT THE PROPOSED AMENDMENTS BE PRESENTED TO THE NEIGHBORHOOD FORUM AT ITS JUNE 11TH MEETING. VOTE: AFFIRMATIVE ALL

REPORT FROM ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION

At the request of the Mayor and Board of Aldermen, Ted Abernathy, Director of the Orange County Economic Development Commission, made a report on Orange County economic development activities. Mr. Abernathy reviewed the programs provided by the Commission.

Mayor Nelson requested that Mr. Abernathy make semi-annual reports to the Board of Aldermen.

RESOLUTION DECLARING THE TOWN'S INTENT TO CLOSE A 10-FOOT PORTION OF GARY ROAD

The administration requested that the Board of Aldermen adopt a resolution declaring the town's intent to close a 10-foot portion of Gary Road (Gary Road Stub-Out), adjacent to 404 and 407 Gary Road, and setting a public hearing for June 17, 1997 to hear all persons interested in this permanent closing.

Chris Peterson, Public Works Director, stated that it is the town's policy that if residents request a street be closed, the affected property owners that benefit from the street closing, bear the expense of the street closing.

MOTION WAS MADE BY HILLIARD CADLWELL AND SECONDED BY HANK ANDERSON THAT THE TOWN OF CARRBORO PAY FOR THE NECESSARY ADVERTISEMENT ASSOCIATED WITH THIS STREET CLOSING. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (BRYAN, MCDUFFEE, NELSON, ZAFFRON)

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

A RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN
TO CLOSE A 10' PORTION OF GARY ROAD AKA GARY ROAD STUB-OUT,
ADJACENT TO 404 AND 407 GARY ROAD
(PIN: 9778-45-2489 AND 9778-45-5514, RESPECTIVELY)
AND SETTING A PUBLIC HEARING TO HEAR ALL PERSONS
INTERESTED IN THIS PERMANENT CLOSING
Resolution No. 53/96-97

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby declares its intention to close a 10' section of the 60' right-of-way adjacent to 404 and 407 Gary Road (PIN: 9778-45-2489 and 9778-45-5514, respectively).

Section 2. The Board of Aldermen hereby declares its intention to reserve its right, title and interest in any utility improvements or easements within the 10' portion of right-of-way proposed for closing this reservation shall also extend to utility improvements or easements owned by private utilities which at the time of the proposed street closing have a utility agreement or franchise with the Town. Such utilities shall include but are not limited to water, sewer, electrical, gas, telephone, and cable television; as well as the street light and pole near the southwest property line at 407 Gary Road, further identified by PIN 9778-45-5514.

Section 3. The Board of Aldermen shall hold a public hearing on the proposed right-of-way closing at its regular meeting on June 17, 1997.

Section 4. This resolution shall be published once a week for four successive weeks prior to the hearing and a copy shall be sent by certified mail to the persons who, according to the county tax records, own property adjoining the right-of-way proposed to be closed. In addition a notice of the proposed closing and public hearing thereon shall be prominently posted in at least two places along the right-of-way to be closed.

Section 5. Should the right-of-way be closed as proposed, then all right, title and interest, excluding utility improvements and easements, in the 10' portion of 60' right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the 10' portion of right-of-way beginning at the southeast corner of the property identified by PIN 9778-45-2489 and at the southwest corner of the property identified as PIN 9778-45-5514 according to county tax records, and the title of such landowners identified by PIN 9778-45-2489 and PIN 9778-45-5514, for the 10' width of the abutting land owned by them, shall extend to the center line of said street.

Section 6. 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 13th day of May, 1997:

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

Noes: None

Absent or Excused: None

PRESENTATION BY TIME WARNER/SOCIAL CONTRACT STATUS REPORT

Pursuant to the Social Contract, Time Warner Cable provided an annual progress report to the town within 90 days following the close of the calendar year. The purpose of this agenda item is to receive Time Warner's report.

Brad Phillips, Vice-President of Government Services with Time Warner, presented a report on the social contract.

Alderman Bryan requested that Time Warner respond in writing to the questions submitted by the town.

Alderman Zaffron requested that the Board have a discussion of the survey results.

PRESENTATION OF MANAGER'S RECOMMENDED BUDGET FOR FISCAL 1997-98

Mr. Morgan presented his recommended budget for fiscal year 1997-98 and presented the following budget review schedule:

Tuesday, May 27th

Public Hearing/1997-98 Budget

Thursday, May 29th - 1st Budget Worksession

1. Overview of CIP, Five-Year Plan and Debt Service (30 min.)
2. Police Department (30 min.)
3. Fire Department (30 min.)
4. Planning Department (30 min)
Transportation Budget

Thursday, June 5th - 2nd Budget Worksession

1. Public Works Department (30 min.)
2. Recreation Department (30 min.)
3. Administrative Services (30 min.)
Town Manager
Town Clerk
Governance
4. Board directs Manager to prepare revised budget.

Tuesday, June 3rd

1. Presentation of Human Services Commission 1997-98 budget recommendations.
2. Report from Budget Review Committee

Tuesday, June 24th

Adoption of 1997-98 Budget, Pay Plan and Miscellaneous Fees and Charges Schedule

AWARD OF CONTRACT FOR AUDIT FIRM

The purpose of this agenda item was to award a contract for the town's annual audit services. The administration recommended that Dixon, Odom and Company be selected to perform the audit for the fiscal year ending June 30, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO AWARD THE AUDIT CONTRACT TO DIXON, ODOM AND COMPANY FOR A TOTAL COST OF \$17,900 AND AUTHORIZE THE MAYOR TO SIGN THE ENGAGEMENT TO AUDIT CONTRACT. VOTE: AFFIRMATIVE ALL

REQUEST FOR PROPOSALS FOR INSTALLMENT FINANCING OF CHURCH PROPERTY AND REPAIRS TO TOWN HALL MASONRY WALL

The purpose of this item was to review with the Board a Request for Proposals for the installment financing of the Baptist Church property and repairs to the Town Hall masonry wall, and to have the Board authorize the administration to solicit financing proposals.

Chris Peterson stated that the exterior walls of the Town Hall have extensive mortar loss which will require removing the joint mortar to a depth of approximately one inch and replacing the joints with new mortar.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE THE ADMINISTRATION TO SOLICIT FINANCING PROPOSALS FOR THE INSTALLMENT FINANCING OF THE CARRBORO BAPTIST CHURCH PROPERTY AND FOR REPAIRS TO THE TOWN HALL MASONRY WALL. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARINGS/PURCHASE AND FINANCING OF CARRBORO BAPTIST CHURCH PROPERTY AND REVIEW OF INFORMATION BROCHURE

The Board was requested to set two public hearings for Monday, June 9, 1997 at 7:30 p.m.: (i) to receive public comment on whether the town should purchase the Carrboro Baptist Church property; and (ii) to receive public comment on the financing arrangements for the purchase of the church property and repairs to Town Hall masonry wall. In addition, the Board was requested to review the preliminary draft of the information brochure which will be mailed to all Carrboro residents.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO SET PUBLIC HEARINGS FOR MONDAY, JUNE 9, 1997 TO RECEIVE PUBLIC COMMENT ON WHETHER THE TOWN SHOULD PURCHASE THE CARRBORO BAPTIST CHURCH PROPERTY, AND TO RECEIVE PUBLIC COMMENT ON THE FINANCING ARRANGEMENTS FOR THE PURCHASE OF THE CHURCH PROPERTY AND REPAIRS TO TOWN HALL MASONRY WALL. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to turn in to the Town Manager any changes to the proposed brochure by Thursday, noon.

REQUEST FOR CROSSWALK ON OLD FAYETTEVILLE ROAD AT MCDOUGLE SCHOOL

Mayor Nelson asked for a status report on the request submitted by Rhonda Szostak for a crosswalk on Old Fayetteville Road at McDougale School.

STORM DEBRIS BEHIND TRAINS ON MAIN STREET

Mayor Nelson asked that the town staff investigate complaints about storm debris behind the train cars on East Main Street.

REQUEST FOR CROSSWALK AT WEAVER AND MAIN STREETS

Alderman Zaffron requested a status report on NCDOT improvements to Main Street.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN AT 11:25 P.M. VOTE: AFFIRMATIVE ALL

Michael R. Nelson

Mayor

Town Clerk