

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 3, 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 HANK ANDERSON TO APPROVE THE MAY 27, 1997 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/BERRYHILL SUBDIVISION, PHASES 3 AND 4

The Mayor and Board of Aldermen were requested to set a public hearing for June 17, 1997 to review a conditional use permit application for Phases 3 and 4 of the Berryhill Subdivision.

MOTION WAS MADE ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR JUNE 17, 1997. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Alderman Caldwell read a proclamation proclaiming June 7 and 8, 1997 as Youth Weekend in the Town of Carrboro

A RESOLUTION HONORING ANNE BARNES

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

**A RESOLUTION HONORING ANNE BARNES
Resolution No. 58/96-97**

WHEREAS, Anne Barnes served as a member of the North Carolina House of Representatives from 1981 until 1996; and

WHEREAS, Anne has performed her duties and responsibilities to the residents of Orange County with pride and dedication; and

WHEREAS, Anne has worked to protect the integrity and revenues of local governments; and
WHEREAS, Anne served the children of our state with diligence and love in her heart as Chair of the Education Committee of the N.C. House of Representatives; and

WHEREAS, Anne's concern for the less fortunate led her to become a crusader for the underprivileged citizens of North Carolina.

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

Section 1. The Mayor and Board of Aldermen wish to thank Anne Barnes for all her hard work for the Town of Carrboro during her tenure as a member of the House of Representatives.

Section 2. Anne Barnes' work and service on behalf of the Town of Carrboro is appropriately recognized and appreciated.

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 3rd day of June, 1997:

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 issued a proclamation proclaiming June to be Lesbian and Gay Pride Month in the Town of Carrboro.

CONTINUATION OF PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST/KENT WOODLANDS SUBDIVISION

The Board of Aldermen continued this public hearing from May 27, 1997 to review an application for a conditional use permit which would allow for development of a 26-unit, subdivision for single-family residences.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

Keith Lankford stated that there was one 15-inch pine that was scarred, but it was unclear how the damage occurred. Mr. Lankford stated that dirt will be moved back away from the root systems of the trees.

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

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL 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 HILLIARD CALDWELL THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. That a petition for annexation be submitted to the town prior to final plat approval.
2. That a public sidewalk be constructed along the Culbreth Road frontage from Kent Woodlands to Teal Place.
3. That construction easements needed in conjunction with the entrance road and sidewalk construction must be obtained prior to construction plan approval.
4. That the pedestrian walkway to the playground be surfaced with Chapel Hill gravel.
5. That crosswalks be installed across Rossburn Way at its intersection with Culbreth Road; as well as across Palomar Point; and across Rossburn Way to connect the sidewalk and the gravel walkway.
6. That recreation and open space areas be open to residents of the Chapel Hill portion of the development.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE FOLLOWING CONDITIONS BE ADDED TO THE PERMIT:

1. That the developer clear any trees that have fallen over or near the creek that runs through this property as a result of Hurricane Fran.
2. That the developer attempt to restore the creek to its original condition following installation of utilities.
3. That any excess soil and any trees that have fallen within the clearing limits of the utility easements be removed from the root systems of trees within 30 days of June 3, 1997.

VOTE: AFFIRMATIVE ALL

Alderman Gist requested a report back after 30 days on the removal of soil from the root systems of the trees.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/CHANGES TO TABLE OF PERMISSIBLE USES WITH REGARD TO POLICE STATIONS AND SCHOOLS

The purpose of this item was for the Mayor and Board of Aldermen to hold a public hearing to consider amending the Land Use Ordinance Section 15-146 (Table of Permissible Uses) to allow police stations in the B-1(g) and B-1(c) zoning districts with a zoning permit, and to allow elementary and secondary schools on lots of two acres or less in the residential zoning districts with a zoning permit.

Roy Williford, the town's Planning Director, explained the proposed text amendments.

Mayor Nelson requested that the Planning Board's recommendation on the purchase of the Carrboro Baptist Church be included in the Board's agenda packets for the June 9th public hearing on whether to purchase the church property and asked that a member of the Planning Board be invited to attend that meeting to present their recommendation.

Roger Gerber, Executive Director of the Village Charter School, stated that 180 students is the maximum number of students allowed, although the Pleasant Drive facility would have less students.

Andy Cohen, Chair of the Planning Board, stated that the Planning Board had voted against the text amendment which would allow police stations in the B-1(c) and B-1(g) zoning districts with a zoning permit since the Planning Board would not be given an opportunity to review the permit application. Mr. Cohen stated that the Planning Board was in favor of the text amendment to allow elementary and secondary schools in the B-1(c), B-1(g), R-2, R-3, R-7.5, R-10, R-15, R-10, RR and WR zoning districts.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AUTHORIZE POLICE STATIONS IN THE B-1(G) AND B-1(C) ZONING DISTRICTS WITH A CONDITIONAL USE PERMIT." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ANDERSON)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AUTHORIZE ELEMENTARY AND SECONDARY SCHOOLS ON LOTS OF 2 ACRES OR LESS IN THE RESIDENTIAL ZONING DISTRICTS WITH A CONDITIONAL USE PERMIT." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ANDERSON)

PRESENTATION OF HUMAN SERVICES COMMISSION RECOMMENDATIONS FOR 1997-98 BUDGET

The purpose of this item was to receive a report from the Human Services Commission on its recommendations for funding in the 1997-98 budget.

Alderman Bryan requested that the Board receive expanded information on the agencies in future years to include the number of Carrboro citizens being benefited.

Christine Taylor, Chair of the Human Services Commission, stated that several agencies had approached the Human Services Commission about selling food at baseball games.

Mayor Nelson asked that a meeting be set up between the town staff, Alderman Gist, the Chair of the Human Services Commission and himself to discuss this matter.

REPORT FROM BUDGET REVIEW COMMITTEE

The Budget Review Committee made a report on its recommendations for the 1997-98 budget.

Stuart Brown presented the Budget Review Committee's report (see Town Clerk's file of this meeting for a copy of this report).

David Beck presented the Budget Review Committee's recommendations for the 1997-98 proposed budget.

Bill Cain asked whether the \$2.89 million cost for the purchase of the Carrboro Baptist Church includes renovation costs to the Town Hall, if not, that should be pointed out to the town's citizens.

Mayor Nelson asked that the Budget Review Committee's recommendation on use of the Carrboro Baptist Church be made available for the June 9th public hearing.

It was the consensus of the Board to schedule a Board discussion of the Budget Review Committee's recommendations.

REPORT FROM DOWNTOWN DEVELOPMENT COMMISSION/GROSS RECEIPTS TAX

The purpose of this item was to provide a brief report to the Board of Aldermen on the status of the gross receipts tax proposed by the 1996 Budget Review Committee.

James Morgan, a member of the Downtown Development Commission, stated that a sub-committee of the Downtown Development had met and developed a revised fee schedule that might be more palatable to the business community than what was originally proposed by the town staff. The Downtown Development Commission recommends that nothing should be done further on this item until the General Assembly makes a decision on this matter. The Downtown Development Commission feels that chain stores should pay more than is required by the current privilege license fee schedule. The Downtown Development Commission recommends a cap of \$1,000 for businesses at the top of the earnings list.

The Board authorized the Town Manager to contact Senator Kinnaird to request that the gross receipts legislation be separated from the town's other proposed special legislation.

REVOLVING LOAN FUND REQUEST/THE TRAINS CAFE

The purpose of this item was to present a loan request for the Trains, Inc. (The Trains Cafe) to the Board of Aldermen for consideration.

James Harris, the town's Assistant to the Town Manager, stated that the applicants are requesting a \$50,000 loan for 7 seven years at 4% interest.

Kayleen Horan explained what she envisioned for the restaurant.

James Morgan, a member of the Downtown Development Commission (DDC), stated that the DDC discussion revolved around the fact that this is a fairly risky proposal, but voted to support the request since something needs to be done with the railroad cars, and the DDC feels the restaurant will be an asset to the town.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE \$50,000 LOAN FOR SEVEN YEARS AT 4% INTEREST, AND THAT THE STAFF BE AUTHORIZED TO PREPARE AND EXECUTE ALL NECESSARY DOCUMENTS TO CLOSE THE LOAN. VOTE: AFFIRMATIVE ALL

ANNUAL STATUS REPORT ON YOUTH COORDINATOR POSITION

The purpose of this item was to present to the Board of Aldermen the annual status report on the Youth Coordinator's position.

James Harris, the town's Assistant to the Town Manager, presented the report.

It was the consensus of the Board to authorize Alderman Gist to meet with the Town Manager and Recreation Director to revise the job description to include the original principle responsibilities for the youth coordinator's position.

TRANSIT MEMORANDUM OF UNDERSTANDING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN TO AUTHORIZE THE TOWN MANAGER TO CONTACT THE UNIVERSITY AND CHAPEL HILL EXPRESSING THE TOWN'S WILLINGNESS TO ENTER INTO THE PROPOSED TRANSIT MEMORANDUM OF UNDERSTANDING FOR A TWO-YEAR PERIOD. VOTE: AFFIRMATIVE ALL

HOUSEHOLD HAZARDOUS WASTE AGREEMENT

Mike Brough informed the Board that the original resolution authorizing the Mayor to execute the amended agreement for the household hazardous waste program should be adopted by the Board, since the other jurisdictions involved in the program had adopted the original resolution.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE AN AMENDMENT AGREEMENT
WITH THE COUNTY OF CHATHAM, COUNTY OF DURHAM,
COUNTY OF ORANGE, COUNTY OF WAKE, TOWN OF CARRBORO,
TOWN OF CHAPEL HILL AND THE CITY OF DURHAM
TO CONTRACT WITH THE TRIANGLE J COUNCIL OF GOVERNMENTS
FOR THE REGIONAL ADMINISTRATION OF
HOUSEHOLD HAZARDOUS WASTE COLLECTION
Resolution No.52/96-97

WHEREAS, the governing bodies of the units of local government of the Counties of Chatham, Durham, Orange and Wake; the City of Durham, and the Towns of Carrboro and Chapel Hill entered into an interlocal agreement regarding cooperation on household hazardous waste collection on August 8, 1994;

WHEREAS, the aforementioned Interlocal Agreement has been successful in establishing and maintaining a regionally-coordinated program for the collection of household hazardous waste and the education of the public concerning household hazardous waste; and;

WHEREAS, these same governing bodies wish to amend the aforementioned Interlocal Agreement so as to provide for automatic renewal of this Interlocal Agreement unless a governing body wishes to withdraw and such governing body notifies the other governing bodies in writing thirty days prior to the expiration of a one-year term of their desire to terminate this Interlocal Agreement, in which case the term shall end as scheduled on that year's June 30.

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

Section 1. The Board of Aldermen hereby authorizes the Mayor to execute and be attested to by the Town Clerk an amendment entitled "Amendment to Interlocal Cooperative Agreement for Disposal of Household Hazardous Waste."

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 26th day of May, 1997:

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

Noes: None

Absent or Excused: Diana McDuffee

SMALL AREA PLAN

The Board requested that the town staff arrange a meeting of the conference committee and requested that the Agenda Planning Committee schedule a Board discussion of the time line for the Small Area Plan prior to the Board's summer break.

APPOINTMENT TO ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT ALDERMAN ZAFFRON BE RE-APPOINTED TO SERVE AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

STATE TRANSPORTATION IMPROVEMENT PLAN

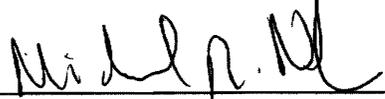
Alderman Zaffron informed the Board that the deadline is approaching to approve the State TIP. There are significant differences in the State TIP and what the State wants to do. Alderman Zaffron requested authorization to support local interests relating to the TIP.

It was the consensus of the Board to support Alderman Zaffron's request.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER AND PROPERTY ACQUISITION AT 10:10 P.M. AFFIRMATIVE ALL

MERIT INCREASE FOR TOWN MANAGER

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO AWARD THE TOWN MANAGER A 2 1/2% MERIT INCREASE, RETROACTIVE TO JANUARY 5, 1997. VOTE: AFFIRMATIVE ALL



Mayor



Town Clerk