

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 16, 1997 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

- | | |
|---------------|---------------------|
| Mayor | Michael Nelson |
| Aldermen | Hank Anderson |
| | Hilliard Caldwell |
| | Jacquelyn Gist |
| | Diana McDuffee |
| | Frances Shetley |
| | Alex Zaffron |
| Town Manager | Robert W. Morgan |
| Town Clerk | Sarah C. Williamson |
| Town Attorney | Michael B. Brough |

REQUEST FOR REZONING/OLD PITTSBORO ROAD

Jane Burns, a resident of 406 South Greensboro, representing neighbors opposing the construction of an apartment complex on Old Pittsboro Road, requested that the Board consider changing the zoning of Old Pittsboro Road to accurately reflect current land uses.

The Board requested that the town staff provide an outline of options available for rezoning the Old Pittsboro Road area for the Board's consideration on September 23, 1997.

REQUEST FOR STREET LIGHTS/MIDWAY PARKING LOT

The Board received a request from Bill Fairbanks asking for street lights in the Midway Parking Lot.

The Board requested that the Public Works Department contact Duke Power about having street lights installed.

SPEED BUMPS ON PINE STREET

Ricki Geiger, representing residents of Pine street, stated that the speed bumps have been very effective in slowing traffic. Ms. Geiger requested that one additional speed bump be installed in the middle of the street.

The Board referred this request to the Transportation Advisory Board for consideration.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HANK ANDERSON TO APPROVE THE SEPTEMBER 2, 1997 MINUTES. VOTE: AFFIRMATIVE ALL

RESOLUTION AUTHORIZING THE SALE OF SURPLUS TOWN VEHICLES AND EQUIPMENT

The administration requested that the Board of Aldermen adopt a resolution authorizing the sale of surplus town vehicles and equipment at a public auction to be held on October 4, 1997 at the Public Works Facility.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Hank Anderson .

A RESOLUTION AUTHORIZING THE SALE BY SEALED BID OR
OTHER METHOD ALLOWED BY THE GENERAL
STATUTES OF SURPLUS TOWN PERSONAL PROPERTY.
Resolution No. 9/97-98

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorizes the Town to dispose of personal property; and

66
WHEREAS, the Town is authorized to dispose of unclaimed personal property in the possession of the Police Department pursuant to G.S. 15-12; and

WHEREAS, the Town desires to dispose of certain items of surplus property and unclaimed personal property in the possession of the Police Department.

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

Section 1. The following items of Town personal property are hereby declared surplus:

VEHICLES

Two (2) 1990 Chevrolet Caprices
1988 Chevrolet Caprice
1987 Chevrolet Caprice

EQUIPMENT

Tractor mount sprayer (55 gallon)
1973 Woodchuck brush chipper
Keuffel & Esser Co. Transit Level w/transport case
One (1) 386 Computer w/monitor
Three (3) Panasonic printers
Four (4) 286 Computers w/monitor
Assorted computer hardware and software
IBM Selectric II typewriter
Heat applicator for signs
Table Saw

OTHER ITEMS

Tennis ball machine
Three (3) cassette boxes w/am/fm radio
12-15 foam mats
Assorted chairs and chair parts
Three (3) cast iron sinks
Metal Filing Cabinet (2 drawer)
Wood Filing Cabinet (2 drawer)
Dictaphone
Four (4) fire truck tires
Wood desk
World Book set and assorted books
Rolodex
Filing Cart
Notebooks
Four (4) rainsuits
Floor machine pads
Assorted hardware

Section 2. The following items are in the possession of the Carrboro Police Department and have remained unclaimed for a period of at least 180 days (60 days for bicycles). Notice of this unclaimed property having been published on September 3, 1997, all persons who claim any interest in the following property shall be allowed thirty (30) days to present such claim to the Police Department. If not claimed, such property shall be sold as provided in this resolution.

BICYCLES: Huffy Cavern men's 26 inch 10 speed, Huffy Nevada men's, Free Spirit Le Grande all terrain mountain bike, Huffy Stalker mountain 12 speed women's, Sears Jomains 5 speed, Peugeot men's 10 speed, Jamis mountain women's 21 speed, Signal men's 10 speed, women's 26 inch, 12 speed mountain bike, Diamond Back Sorrento men's mountain 10 speed, Murray Explorer 10 speed men's, Huffy's child 10 speed, Giant 12 speed men's mountain, Huffy Blades 18 speed men's, Huffy Stalker men's mountain 12 speed, Avenir men's mountain 21 speed, Motobecane 12 speed men's, Huffy men's 10 speed mountain, Murray women's 10 speed, Huffy mountain 18 speed, Huffy Overland Pass, Murray all terrain women's 10 speed, Vista 10 speed men's, Fuji Monterey 10 speed men's, women's 10 speed, Conquest Roadmaster 10 speed women's, Huffy Stalker men's 10 speed, Giant Option 12 speed men's mountain, Performance Shimano 5 speed men's, men's 15 speed, Trek 830 mountain men's 10 speed, Takara 10 speed men's, High Impact Magna 18 speed men's, Huffy 10 speed mountain women's 10 speed,

ELECTRONICS: Dewalt electric handsaw, Kenwood cassette player, Acura tape player, cellular phone, Topaz power supply, Panasonic television, Dean Markley amplifier, Sony CD player, Alpine tuner, unnamed am/fm cassette, Newtech stereo, flashlights, batteries, Sony walkman, Hitachi camcorder with case, realistic scanner,

MISCELLANEOUS: Purses, costume jewelry, backpacks, walkie talkie, toys, shoes, assorted clothing, blue duffel bag, wooden hangers, scissors, tent, CDs and holder, vehicle jack, tools, hats, sunglasses, and appointment book cover.

Section 3. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 by sealed bid in accordance with statutory requirements.

Section 4. A public auction shall take place on Saturday, October 4, 1997 at 10:00 am at the Town of Carrboro Public Works Facility.

Section 5. The terms of sale shall be to the highest bidder for cash (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

Section 6. All items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of merchantability or any other implied or express warrantee and assumes no responsibility for any of the items. Maintenance records will be provided for all vehicles sold.

Section 7. The items shall be sold F.O.B. Public Works Facility, Town of Carrboro, 100 Public Works Drive, Carrboro, NC 27510. Purchasers shall bear sole responsibility for removing sold items within seven (7) days of award of bid or date of sale by other means.

Section 8. 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 16th day of September, 1997:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Frances Shetley

Noes: None

Absent or Excused: None

APPOINTMENT TO APPEARANCE COMMISSION/NPDC

The Chair of the Appearance Commission/Neighborhood Preservation District Commission, recommended that Mary Tippens be appointed to the vacant seat on the Appearance Commission/NPDC.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HANK ANDERSON TO APPOINT MARY TIPPENS TO THE APPEARANCE COMMISSION/NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION. VOTE: AFFIRMATIVE ALL

CERTIFICATE OF APPRECIATION PRESENTED

Mayor Nelson presented Leon Fink a certificate of appreciation for his service to the town while serving on the Board of Adjustment.

68
PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/STREET LAYOUT STANDARDS

The purpose of this item was to receive public comment on a proposed amendment to the Land Use Ordinance relating to street layouts. These amendments were proposed as a part of the revised Connector Road Policy, which was adopted by the Board of Aldermen on August 19, 1997.

Roy Williford, Planning Director, briefly explained the proposed amendment.

Shirley Marshall, representing the Transportation Advisory Board, thanked the Board for adopting the amendments to the Connector Roads Policy. Ms. Marshall read a statement from the TAB speaking against allowing cul-de-sacs.

Judy Anderson spoke in favor of the use of cul-de-sacs to protect neighborhoods.

Kevin Cook spoke against cul-de-sacs.

Ellen Perry, a resident of Bim Street, spoke against the use of cul-de-sacs.

Heidi Perry stated that she lives on a connecting street and her neighborhood is family oriented and feels that cul-de-sacs are unnecessary to make neighborhoods.

Andy Cohen, on behalf of the Planning Board, spoke in favor of the proposed ordinance and recommended that the ordinance be amended to state that: "To the extent practicable, all roads shall be interconnected. Cul-de-sacs shall not be used unless the topography of the land does not allow a design that would make an interconnecting road practicable or unless the developer can establish substantial justification for use of cul-de-sacs.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO CLOSE THE PUBLIC HEARING AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO STREET LAYOUTS, AMENDED AS FOLLOWS: THAT SECTION 15-217(a) BE AMENDED TO READ AS FOLLOWS: (a) TO THE EXTENT PRACTICABLE, ALL ROADS SHALL BE INTERCONNECTED. CUL-DE-SACS SHALL NOT BE USED UNLESS THE TOPOGRAPHY OF THE LAND DOES NOT ALLOW A DESIGN THAT WOULD MAKE AN INTERCONNECTING ROAD PRACTICABLE." VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, CALDWELL)

REPORT ON AMERICAN STONE QUARRY MEDIATION PROCESS

The purpose of this item was to receive a report on the American Stone Quarry mediation process and to determine the next step in the process.

Barry Jacobs, Chair of the OWASA Board of Directors, stated that the mediation was a good faith effort by all involved. Mr. Jacobs stated that the next step is to hold a public hearing to receive public comment.

Ed Holland, stated that OWASA got started on this project in 1988. In 1990 OWASA entered into an agreement with American Stone whereby American Stone could mine stone from OWASA's property in exchange for OWASA using the excavated site for water storage. The Joint Planning Land Use Plan has to be amended before the rezoning and special use for this project can take place. The quarry can give OWASA an additional 3 billion gallons which would be the equivalent of the Cane Creek Watershed.

Paxton Badham, representing American Stone Company, stated that the mediation process was excellent. The memorandum of agreement is the result of the mediation process.

LeeAnn Nease, representing some of the neighbors, stated that the mediation has not resulted in the resolution of the dispute. Ms. Nease presented an outline of concerns of the neighbors. The primary concerns are: Desire for quiet, safe, and peaceful enjoyment of their homes and property; desire for clean water and air; compensation for reduced property values and other negative impacts on quality of life related to past and future quarry operations; safer streets/roads in the area; continued protection of University Lake Watershed and surrounding environment; protection from carcinogenic affects such as silicosis and radon health threats; need for strict enforcement by the County of existing ordinance requirements regarding quarry operations; determination of whether public necessity exists for quarry expansion beyond the existing quarry permit which can be fully mined

69
to 40 acres; and determination of whether the fully mined existing quarry would not serve the same purpose for OWASA without adding burdens to their community.

Rem Malloy expressed concern about the results of a study on radon in the air and water near the American Stone Quarry done by the Department of Environment, Health and Natural Resources. Mr. Malloy stated that the results of the mediation do not represent an agreement among the neighbors and that the neighbors would continue to fight.

Violet DeKnikker, a resident of 9504 Greenfield Road, requested that a public hearing be held on this matter; asked what will happen to their property values; asked why there has not been any official notification from American Stone or OWASA; expressed concern about safety issues for vehicles on the road; asked why there has not been any formal/public/independent impact studies, especially radon studies, water and noise; asked exactly what the plans for roads and the time line; there is no acceptable means of compensation for wells and water quality, health issues, and damage to homes; asked that American Stone establish a blast warning system; expressed concern about the noise of the crushing machine; asked whether this expansion is necessary as an overall project; stated that no water conservation measures are being considered; asked about the possibility of free water and sewer from OWASA as compensation; stated that there are extreme concerns for water quality, water levels and pressure which affect our quality of life; asked who has control--Orange County, Chapel Hill, or Carrboro; stated there are handshake deals with OWASA, American Stone and Nello Teer; and stated that there are concerns with being told the Quarry was closing in 1999, now its continuing.

Ann Parrish, a resident of Parrish Road, stated that she supported the mediation process. Ms. Parrish stated that the mediation process was unable to fulfill the needs of the neighbors. Ms. Parrish stated that the neighbors asked for water and sewer service, that the neighbors are being offered things such as a park, that are not needed, but are not being offered things that they need.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JACQUELYN GIST TO RECEIVE THE RECORD OF THE MEDIATION PROCESS AND TO REQUEST THAT THE AGENDA PLANNING COMMITTEE SCHEDULE A PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board that the town staff notify the residents surrounding the quarry when the public hearing is scheduled.

AMENDMENT TO CARRBORO BICYCLE ORDINANCE

The administration and Transportation Advisory Board recommended that Chapter 6 of the Town Code be amended to require that persons sixteen (16) years of age or younger be required to wear a protective helmet when operating a bicycle.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO INCLUDE SAFETY REGULATIONS FOR OPERATORS AND PASSENGERS OF BICYCLES." VOTE: AFFIRMATIVE ALL

The Board requested that the town staff ask the schools to publish notice of ordinance adoption in their newsletters and the availability of helmets through Orange County Safe Kids. In addition, that bike shops be asked to post notice of the adoption of this ordinance.

SMALL AREA PLAN ORDINANCE DRAFTING COMMITTEE

The purpose of this item was for the Board of Aldermen to establish the Small Area Plan Ordinance Drafting Committee, a charge, and appoint members to the committee.

Roy Williford, Planning Director presented the following projected schedule for the Small Area Plan Ordinance Drafting Committee:

September 16	Ordinance Drafting Committee Appointed
September 30	First Meeting(Introduction & Selection of Basic Ordinance Changes such as proposed densities, open space requirements and floating zone concepts)
October 1-15	Staff & Attorney prepare basic ordinance changes
October 16	Mail out agendas

October 22 Second Meeting(Discussion of basic amendments and direction given to staff on adjustments and additional ordinance measures)

Oct 23-Nov. 12 Planning Dept. to generate illustrations of ordinance changes and in concert with the Town Attorney, provide a list of considerations needed to fine tune the ordinance.

Nov. 13 Mail out agendas

Nov. 19 Third Meeting(Committee to review illustrations and list of other considerations and to provide direction on items needed to complete the ordinance)

Nov 20-Dec 10 Attorney prepares draft ordinance & Planing Staff prepares draft zoning map changes.

Dec 11 Mail out agendas

Dec 17 Fourth Meeting(Committee reviews draft documents and provides direction needed for the final draft)

Dec 18-Jan 7 Staff prepares final documents

Jan 8 Mail out agendas

Jan 14 Final Meeting of Committee(Review & Recommend Ordinance to the Board of Aldermen)

Jan 15-16 Staff prepares preliminary agenda

Jan 21 Staff prepares agenda

Jan 23 Town Clerk Submits Agenda to Board of Aldermen

Jan 27 Board of Aldermen accept proposed ordinance and refer Plan & Ordinance to the Joint Planning Public Hearing Process

Jan 28 Orange County receives Carrboro's request to amend the Joint Planning Area Land Use Plan, Map, and Ordinance

February 2 Agency Comments Solicited; Application Accepted or Rejected

February 17 Board of County Commissioners(BOCC) 3/5/98 abstract due

February 18 BOCC Agenda Review

February 23 Planning Board 3/5/98 Agenda Abstracts Due

February 24 Planning Board draft agenda

February 25 Planning Board Chair agenda review

February 26 Distribute Planning Board Agenda(Carrboro Chapel Hill & Orange County)

March 4 Chapel Hill Planning Bd Recommendation

March 5 BOCC(Notice Approval); Orange County Planning Board Review; Carrboro Planning Board Review

March 27 Hearing Notice to Newspapers/?Post Property?/and notify property owners

April 1 Publish Hearing Notice(1st)

April 8 Publish Hearing Notice(2nd)

April 9 Distribute Agendas to County and both towns

April 16 JOINT PUBLIC HEARING

Mr. Williford presented the following charge for the Small Area Plan Ordinance Drafting Committee:

Description:

The Ordinance Drafting Committee shall be an ad hoc committee of the Board of Aldermen whose work shall begin upon the appointment of its members by the Board of Aldermen. The committee's work shall be completed within one year following its start up with an objective of completing its work within 6 months if at all possible. The Committee is further authorized to request funding from the Board of Aldermen needed to complete its task in a timely manner.

Purpose:

The Ordinance Drafting Committee will:

1. Study and Review the Recommendations contained in the Draft Facilitated Small Area Plan for Carrboro's Northern Study Area;
2. Determine and describe the nature of Ordinance Amendments needed;
3. Propose Zoning Density and associated Zoning Map changes;
4. Direct the town staff and Town Attorney to draft ordinance amendments that will implement the Draft Facilitated Small Area Plan for Carrboro's Northern Study Area;
5. Provide the staff with direction on amendments to the Joint Planning Area Land Use Plan needed to implement the Plan and Ordinance Amendments;

6. Recommend the adoption of land use ordinance and map amendments as well as related Joint Planning Agreement Amendments to the Board of Aldermen.

Membership:

The Ordinance Drafting Committee shall consist of 7 members, with one or more individuals from the:

- ⇒ Carrboro Board of Aldermen;
- ⇒ Carrboro's Northern Study Area;
- ⇒ Carrboro Planning Board;
- ⇒ Carrboro Environmental Advisory Board;
- ⇒ Orange County Board of Commissioners.

Meetings:

As determined by the committee, but at least once a month

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE CHARGE AS RECOMMENDED BY THE ADMINISTRATION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE FOLLOWING PEOPLE BE APPOINTED TO THE SAP ORDINANCE DRAFTING COMMITTEE: JAY BRYAN, TO SERVE AS CHAIR, ALEX ZAFFRON, KATHERINE KAUFMAN, TOM HIGH, GILES BLUNDEN, JEAN EARNHARDT, AND MARGARET BROWN. AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE TIME LINE PROPOSED BY STAFF. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO REQUEST THAT THE TOWN ATTORNEY PREPARE THE NECESSARY LAND USE ORDINANCE AMENDMENT TO INSTITUTE A DEVELOPMENT MORATORIUM IN THE NORTHERN SMALL AREA PLANNING AREA TO EXPIRE ON APRIL 30, 1998. THE MORATORIUM WOULD APPLY TO PROJECTS REQUIRING SPECIAL OR CONDITIONAL USE PERMITS. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (SHETLEY, CALDWELL, ANDERSON)

AMENDMENT TO MISCELLANEOUS FEES AND CHARGES SCHEDULE

The purpose of this item was for the Board of Aldermen to consider amending the town's Miscellaneous Fees and Charges Schedule to include an interest charge for engineering fees associated with site plan review which remain unpaid at the end of thirty (30) days.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO AMEND THE MISCELLANEOUS FEES AND CHARGES SCHEDULE AS RECOMMENDED BY THE ADMINISTRATION. VOTE: AFFIRMATIVE ALL

AGREEMENT FOR SQUIRREL NUT ZIPPERS CONCERT

The purpose of this item was to consider an agreement between the Town of Carrboro, Mammoth Records and the Squirrel Nut Zippers Band for the concert on September 19, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO AUTHORIZE THE TOWN MANAGER TO SIGN THE AGREEMENT WITH MAMMOTH RECORDS AND THE SQUIRREL NUT ZIPPERS BAND, AND TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'97-98 BUDGET ORDINANCE," TO APPROPRIATE \$4,905 IN REVENUES FROM SHUTTLE BUS, VENDOR SALES AND THE CONTRIBUTION FROM MAMMOTH RECORDS TO COVER EXPENSES EXCEEDING THE ORIGINAL \$1,900 DRAWN FROM CONTINGENCY. VOTE: AFFIRMATIVE ALL

CARRBORO ART GROUP

Alderman Gist informed the Board that the Carrboro Art Group will not have floats in this year's Christmas parade and that the group is asking for assistance in finding storage space for their floats.

The Board requested that the Town Manager contact the management of Carrboro Plaza to determine whether they would be able to assist the Carrboro Art Group with storage of their floats.

LANDFILL COMPENSATION AGREEMENT

Mayor Nelson requested that the Board of Aldermen be given an opportunity to review the landfill compensation agreement prior to October 1st.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HANK ANDERSON TO ADJOURN AT 10:45 P.M. VOTE: AFFIRMATIVE ALL



Mayor



Town Clerk