

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 12, 1998 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

FUNDING REQUEST/CARR COURT FAMILY RESEROUCE CENTER

Karen Current, on behalf of the Carr Court Family Resource Center, requested that the town provide \$600 per month for one year to pay the rent on the apartment adjacent to the Carr Court Community Center.

It was the consensus of the Board to refer this request to the Human Services Commission for consideration.

Alderman McDuffee requested that this agency's request be included on the spreadsheet of requests for consideration by the Human Services Commission.

REQUEST TO ESTABLISH AN HISTORICAL COMMISSION

David Griffiths stated that he has tapes of the storytelling from Carrboro Day. Mr. Griffiths suggested that the town create a Carrboro Historical Commission to search out people who have stories to tell. In addition, the Commission could find out what history already exists.

It was the consensus of the Board to ask the Agenda Planning Committee to schedule a discussion of this matter.

APPROVAL OF MINUTES

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE APRIL 21 AND 28, 1998 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT MAJOR MODIFICATION/CARRBORO PLAZA SHOPPING CENTER

Phil Post and Associates, on behalf of the owners of the Carrboro Plaza Shopping Center, has applied for a major modification to the conditional use permit (CUP) for Carrboro Plaza to allow for the creation of two new out parcels for future development. The Board of Aldermen must hold a public hearing to receive public input before reaching a decision on a major CUP modification. The administration recommends that the Board set the public hearing for May 26, 1998.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO SET A PUBLIC HEARING FOR MAY 26, 1998. VOTE: AFFIRMATIVE ALL

RECOMMENDATION FOR EMPLOYEE HEALTH INSURANCE COVERAGE FOR FISCAL YEAR 1998-99

The administration requested that the Mayor and Board of Aldermen continue its present level of benefits with Kaiser Permanent and offer WellPath Community Health Plans as a replacement for Doctors Health Plan. In addition, the administration recommended that the town continue to pay for the cost of individual coverage and continue to contribute 33 1/3% toward the cost of dependent health care.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE ADMINISTRATION'S RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION/LAKE HOGAN FARMS SUBDIVISION, PHASE 4-A

Dale Redfoot, representing Lake Hogan Farms Development Company, has submitted a petition for annexation requesting that a 0.60-acre tract located in Lake Hogan Farms Subdivision, Phase 4-A be annexed into the town. The administration requested that the Board of Aldermen adopt a resolution setting a public hearing on this request for May 26, 1998.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF LOT #69 OF PHASE 4-A OF THE LAKE HOGAN FARMS SUBDIVISION UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 41/97-98**

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Lot 69 of Phase 4-A of the Lake Hogan Farms Subdivision requesting that their property be annexed into 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 May 26, 1998 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 12th day of May, 1998:

Ayes: Hank Anderson, Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

AMENDMENT TO MISCELLANEOUS FEES AND CHARGES SCHEDULE/ STREET INSPECTION FEE

The administration requested that the Board of Aldermen amend the Miscellaneous Fees and Charges Schedule to modify the street inspection fee to more closely reflect the estimated cost to the Town for the provision of this service.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO AMEND THE 1997-98 MISCELLANEOUS FEES AND CHARGES SCHEDULE TO REDUCE THE EXISTING STREET IMPROVEMENT INSPECTION FEE FROM \$2.85 PER LINEAR FOOT TO \$1.80 PER LINEAR FOOT. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO BOARD OF ADJUSTMENT

The Chair of the Board of Adjustment recommended that Mitchell Virchick be appointed to one of the vacant in-town seats on the Board of Adjustment.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPOINT MITCHELL VIRCHICK TO THE BOARD OF ADJUSTMENT. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT REGARDING COLLECTION OF FEES ASSOCIATED WITH DEVELOPMENT PROJECTS

The administration requested that the Board of Aldermen set a public hearing for May 26, 1998 to consider an amendment to the Land Use Ordinance which would provide that administrative decisions and actions on development projects may be withheld or delayed until all fees due under this ordinance have been paid.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO SET A PUBLIC HEARING FOR MAY 26, 1998. VOTE: AFFIRMATIVE ALL

CHARGES ISSUED

The Town Clerk issued the following charges:

- Myles Presler - Planning Board
- Ronald Gallagher - Cable T.V. Committee
- Cynthia Liston - Downtown Development Commission
- Seth Elliott - Transportation Advisory Board

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT /DRIVE-IN AND DRIVE-THROUGH WINDOWS

The purpose of this item was to receive public comment on a proposed amendment to the Land Use Ordinance which would limit businesses with drive-through windows.

Trish McGuire, the town's Planner, presented the proposed amendment. In addition, Ms. McGuire presented the advisory board recommendations.

Neal Mochel, Chair of the Transportation Advisory Board, stated that the TAB wanted the town staff to look into performance standards for drive-in and drive-through windows. Mr. Mochel stated that the TAB recommended that this public hearing be continued in order to gather this additional information.

Andy Cohen, Chair of the Planning Board, stated that the Planning Board felt this ordinance is too broad. Mr. Cohen stated that there would probably be more support for a prohibitive ordinance in specific areas of town.

Mayor Nelson presented information from the N.C. Air Awareness Campaign listing suggestions for reducing the ozone in the environment. Mayor Nelson stated that parking your car and walking in the restaurant rather than idling at a drive-in window is the first item listed.

Chris VanHessel spoke in support of the drive-through ban. Mr. Vanhessel urged people to park their cars and go inside banks or restaurants rather than waiting at drive-through windows.

Eleanor Ruenna, representing the Sierra Club, stated that fast food restaurants generate more solid waste than sit-down restaurants. Common sense tells us not to idle cars. The Sierra Club supports high density land uses encouraging bikes, pedestrians and public transportation.

Jackie (no last name given) asked that the Board restrict drive-through windows.

Greg Shepard stated that he felt the town should consider prohibiting drive-in windows in zoning districts in addition to B-1(c) Mr. Shepard spoke against disallowing drive-in windows at Carrboro Plaza Shopping Center where there is high traffic volume. Mr. Shepard encouraged the Board to vote on this matter at tonight's meeting.

V.C. Shaw, representing Carrboro Plaza Shopping Center, spoke against disallowing drive-through windows at Carrboro Plaza. Mr. Shaw stated that some businesses require drive-through service--drug stores and dry cleaners. Mr. Shaw stated that there should only one drive-through use at Carrboro Plaza.

It was the consensus of the Board to continue this public hearing until June 2, 1998.

PUBLIC HEARING/ORDINANCE EXTENDING UNTIL SEPTEMBER 30, 1998 THE MORATORIUM ON THE PROCESSING OF SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES WITHIN THE NORTHERN STUDY AREA

The purpose of this item was to receive public comments on an ordinance to extend until September 30, 1998 the development moratorium that was established for the Northern Study Area on November 11, 1997.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING AS NO WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE EXTENDING UNTIL SEPTEMBER 30, 1998 THE MORATORIUM ON THE PROCESSING OF SPECIAL OR CONDITIONAL USE PERMIT APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES WITHIN THE NORTHERN STUDY AREA." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/ SIDEWALKS ALONG BOTH SIDES OF STREETS

The purpose of this item was to receive public comment on an amendment to the Land Use Ordinance that would require sidewalks along both sides of streets classified as subcollectors and collectors.

Trish McGuire, the town's Planner, presented the proposed text amendment. In addition, Ms. McGuire presented the advisory board recommendations.

Neal Mochel, Chair of the Transportation Advisory Board, stated that the TAB support the recommendation that collector roads have sidewalks along both sides and that sidewalks along subcollectors be removed from the recommendation at this time and be looked at in connection with an infill study.

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

MOTION WAS MADE BY DIANA MCDUFFE AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE SIDEWALKS ALONG BOTH SIDES OF SUBCOLLECTOR AND COLLECTOR STREETS," (ALTERNATIVE #2) VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE SIDEWALKS ALONG BOTH SIDES OF SUBCOLLECTOR AND COLLECTOR STREETS," (ALERNATIVE #1) AFFIRMATIVE TWO, NEGATIVE FIVE (CALDWELL, ANDERSON, NELSON, MCDUFFEE, GIST)

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/FENCES AND BERMS

The purpose of this item was to receive public comment on two proposed amendments to the Land Use Ordinance. These amendments, if adopted, would prohibit developers of major residential subdivisions from constructing fences or berms more than three feet in height, and will allow fences or berms to be located without regard for the building setback, if located along the rear lot boundary of lots having frontage along both the rear and front of such lots.

Greg Shepard spoke against allowing walls, but spoke in favor of allowing landscape berms.

It was the consensus of the Board to continue this public hearing on May 19, 1998.

AUTHORIZATION TO LEASE SPACE ON TOWN'S TELECOMMUNICATIONS TOWER

The purpose of this item was to consider two proposals to lease space on the town's telecommunications tower.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE TOWN MANAGER TO SIGN LEASES WITH SPRINTCOM, INC. AND ATT WIRELESS SERVICE FOR SPACE ON THE TOWN'S TELECOMMUNICATION TOWER AND THAT THIS AUTHORIZATION BE GOOD FOR 120 DAYS. IN ADDITION, THAT THE TOWN STAFF BE DIRECTED TO BRING TO THE BOARD A MINOR MODIFICATION ON THE CONDITIONAL USE PERMIT FOR THE TOWER TO ACCOMMODATE THE TWO LEASES. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

AUTHORIZATION TO ENTER INTO A CONTRACT FOR CONSULTING SERVICES TO DEVELOP A TECHNOLOGY STRATEGIC PLAN

The purpose of this item is to consider entering into a contract with The Network Address, Inc. for the development of a strategic plan for the Town for technology.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH NETWORK ADDRESS, INC. FOR A TOTAL COST OF \$11,500 TO PROVIDE A TECHNOLOGY ASSESSMENT AND STRATEGIC PLAN FOR THE TOWN. VOTE: AFFIRMATIVE ALL

MEETING WITH LEGISLATIVE DELEGATION

The Board requested that the town staff contact the town's legislative delegation to arrange a breakfast meeting.

REQUEST TO REALIGN EAST MAIN STREET SHOPPING CENTER INGRESS AND EGRESS

Mayor Nelson requested that the Transportation Advisory Board consider the possibility of reversing the ingress and egress to the shopping center on East Main Street to align the exit with the Lloyd Street intersection.

REQUESTS FROM LLOYD/BROAD STREET NEIGHBORHOOD

Mayor Nelson requested that the Town Attorney prepare amendments to the Town Code to address concerns of the Lloyd/Broad Street residents concerning noise, loitering and impeding traffic.

In addition, the Board requested that the town staff explore providing recreation programming for the Lloyd/Broad Street neighborhood with input from neighborhood residents.

Alderman Zaffron requested that the town staff explore with Habitat for Humanity the possibility of using a portion of the duplex at 105 Fowler Street as a community center and police substation for the Lloyd/Broad Street neighborhood.

Alderman Gist suggested that local churches be invited to have picnics at Baldwin Park.

BOARD OF ALDERMEN'S SCHEDULE

At the request of Alderman McDuffee, the Board agreed to meet on June 9th and not meet on June 16th.

DISCUSSION OF ESTABLISHING AN ADVISORY BOARD FOR THE TRANSITION AREA

Alderman McDuffee requested that the Agenda Planning Committee schedule a Board discussion of establishing an advisory board for the Transition Area.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO ADJOURN THE MEETING AT 11:00 P.M. VOTE: AFFIRMATIVE ALL

Michael R. Nelson
Mayor

James C. Williamson
Town Clerk