

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 26, 1998 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Diana McDuffee
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APPROVAL OF MINUTES

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE MAY 19, 1998 MINUTES. VOTE: AFFIRMATIVE ALL

AWARD OF BID/STREET RESURFACING PROGRAM

The purpose of this agenda item was to request that the Board approve the award of a contract to Riley Paving, Inc. of Carthage, North Carolina for the 1997-98 Street Resurfacing Project for a total cost of \$145,680.50.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO AWARD THE CONTRACT TO RILEY PAVING FOR A TOTAL COST OF \$145,680.50. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/RETAIL USES IN B-2 ZONE

The Board of Aldermen was requested to respond to a property owner's request for an amendment to the land use ordinance that would allow certain high-volume retail uses to operate in the B-2 zone. Should the Board determine that an amendment to the Land Use Ordinance is needed, the administration recommended that a public hearing be set for June 23, 1998.

Alderman Gist asked that requests to set public hearings for Land Use Ordinance amendments not be listed on the consent agenda.

It was the consensus of the Board to request that the town staff notify property owners within 1,000 feet of the B-2 zone of the June 23rd public hearing.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO SET A PUBLIC HEARING FOR JUNE 23, 1998. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/STREET CLOSING APPLICATION/WEAVER STREET MARKET BIRTHDAY CELEBRATION AND CARRBORO MUSIC FESTIVAL

Weaver Street Market and the Carrboro Art Committee have submitted a Street Closing Permit Application for the temporary closing of:

100 block of East Weaver Street from the Main Street intersection to the Greensboro Street intersection from 10:00 a.m. to 10:30 p.m.

200 block of West Weaver Street from the Greensboro Street intersection to West Main Street intersection from 1:00 p.m. to 10:30 p.m.

on Sunday, June 21st to accommodate Weaver Street Market's birthday celebration from 10:30 a.m. to 1:00 p.m. and to accommodate the music festival from 1:30 to 9:30 p.m.

In accordance with Section 7-19 of the Town Code, a public hearing must be held to receive public input prior to issuing a Street Closing Permit. The administration requested that a public hearing be set for June 9, 1998.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO SET A PUBLIC HEARING FOR JUNE 9, 1998. VOTE: AFFIRMATIVE ALL

Alderman Spalt requested recommendations from the Transportation Advisory Board, Downtown Development Commission, police and fire departments.

PROCLAMATION ISSUED

Alderman Caldwell read a proclamation proclaiming June 12-14, 1998 as Youth Weekend in the Town of Carrboro.

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.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the site plan for the proposed modification.

Greg Shepard, with Philip Post and Associates, was sworn in. Mr. Shepard stated that the park and ride would continue to be used as applications for the out parcels go through the development process. Mr. Shepard stated that they did not have any problems with the advisory board comments, and that the joint access to the park and ride lot would be closed until the out parcels are developed.

Neal Mochel, Chair of the Transportation Advisory Board, was sworn in. Mr. Mochel stated that Chapel Hill has a six-month window of opportunity to come to an agreement with the owners of the shopping center to work out the arrangements for the park and ride lot. If those arrangements are not made, there might be an interruption of the park and ride service. Mr. Mochel stated that some of the TAB members felt that this project was too vehicular-oriented rather than pedestrian oriented.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE MAJOR MODIFICATION TO CREATE TWO NEW OUT PARCEL LOTS, WITH THE CONDITION THAT A TYPE B SCREEN BE INSTALLED BETWEEN THE PROPOSED OUT PARCELS AND HIGHWAY 54 CONSISTENT WITH THE EXISTING LANDSCAPE AT CENTRAL CAROLINA BANK. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (NELSON), ABSENT ONE (MCDUFFEE)

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/ COLLECTION OF FEES ASSOCIATED WITH DEVELOPMENT PROJECTS

The purpose of this item was for the Board of Aldermen to review and receive comments regarding a proposed 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.

Roy Williford, the town's Planning Director, presented the proposed amendment.

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

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE

ORDINANCE TO PROVIDE THAT ADMINISTRATIVE DECISIONS AND ACTIONS ON DEVELOPMENT PROJECTS MAY BE WITHHELD OR DELAYED UNTIL ALL FEES DUE UNDER THIS ORDINANCE RELATING TO SUCH PROJECTS HAVE BEEN PAID." VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/LOT #69, LAKE HOGAN FARMS, PHASE 4A

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 recommended that the Board of Aldermen adopt an ordinance, which annexes this property into the town effective May 31, 1998.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING LOT #69, LAKE HOGAN FARMS, PHASE 4A." VOTE: AFFIRMATIVE ALL

Alderman Spalt expressed his concern about annexing only one lot at a time in subdivision.

REQUEST FOR ADDITIONAL FUNDING/DAY CARE SERVICES ASSOCIATION

Dean Dedman, Treasurer of Day Care Services, stated that Day Care Services would like to purchase a 10,500-foot building located at 1000 Franklin Square which would provide permanent housing for the association. Mr. Dedman stated that they are seeking funding from local government, the University, UNC Hospitals, the State Legislature, and others.

Alderman Gist asked that this request be considered during the budget deliberations.

CONSIDERATION OF JOINT PLANNING AREA LAND USE PLAN AND AGREEMENT AMENDMENTS

The Board of Aldermen reviewed the proposed Joint Planning Area Land Use Plan and Agreement amendments which were presented at a Joint Planning Public Hearing on April 8, 1998 and considered adopting those amendments.

Mayor Nelson requested that when there are complex agenda items such as this one, that they be made into separate agenda items.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AMENDING THE JOINT PLANNING AREA LAND USE PLAN TO INCORPORATE THE FACILITATED SMALL AREA PLAN FOR CARRBORO'S NORTHERN STUDY AREA
Resolution No. 47/97-98

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Area Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions; and

WHEREAS, A Small Area Plan that provides a framework for the future use of land within Carrboro's northern growth area was accepted by the Carrboro Board of Aldermen on August 19, 1997, and

WHEREAS, the geographic area covered by the Small Area Plan includes Carrboro's Transition Area as identified in the Joint Planning Agreement; and

WHEREAS, implementation of the recommendations contained in the Small Area Plan requires certain amendments to the Joint Planning Agreement;

WHEREAS, the Small Area Plan was considered by Orange County, the Town of Chapel Hill, and the Town of Carrboro at a Joint Public Hearing on April 8, 1998

NOW, THEREFORE, the Joint Planning Agreement is hereby amended as follows:

1. Section 1.2 (Definitions) of the Agreement is amended by deleting from subsection H ("Transition Area") everything after the first three sentences. (The deleted language divides Carrboro's Transition Area into Transition Area I and Transition Area II and prohibits the density of Transition Area II from exceeding one unit per acre until at least 75% of the area within Transition Area I meets certain developmental thresholds).

2. Section 2.1 (Standards Within the Transition Area) of the Agreement is amended by deleting the last sentence of paragraph B, which provides- "Transition Area II shall have density limited pursuant to Section 1.2H."

3. Subsection 2.6E of the Agreement is amended by rewriting the second sentence and by adding a new third sentence to read as follows- "With respect to property that is located within the CJDA Transition area, changes in zoning classifications, other than changes to the "floating" conditional use districts designed to implement the recommendations of the "Facilitated Small Area Plan for Carrboro's Northern Study Area (i.e. changes to Carrboro's Traditional Neighborhood conditional use district or Office/Assembly conditional use district) may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Changes to the foregoing conditional use districts within the CJDA Transition area may be approved by Carrboro without Orange County's concurrence, but subject to the provisions of Section 2.3 of this Agreement regarding permit administration."

This amendment to the Joint Planning Agreement shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill and Carrboro.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of May, 1998:

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

Noes: None

Absent or Excused: Diana McDuffee

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AMENDING
THE JOINT PLANNING AREA LAND USE PLAN AND MAP
TO INCORPORATE CHAPEL HILL'S NORTHWEST SMALL AREA PLAN
Resolution No. 44/97-98

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990; and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Area Land Use Plan and Map were adopted on October 13, 1986, by all parties to the Joint Planning Agreement, and have since been amended on several occasions; and

WHEREAS, a Small Area Plan that provides a framework for the future use of land within Chapel Hill's northwest transition area was accepted by the Chapel Hill Town Council on September 11, 1995; and

WHEREAS, the Small Area Plan was the product of a two and one-half year planning process that involved numerous public officials, planners, and residents of the affected area, and included three neighborhoods meetings and a Town Council Public Hearing; and

WHEREAS, the geographic area covered by the Small Area Plan includes Chapel Hill's northern Transition Area as identified in the Joint Planning Agreement, which area is also covered by the Joint Planning Area Land Use Plan and Map; and

WHEREAS, implementation of the recommendations contained in the Small Area Plan requires an amendment to the Joint Planning Area Land Use Plan and Map;

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES THAT THE JOINT PLANNING LAND USE PLAN AND MAP BE AMENDED AS FOLLOWS:

Section VII of the Plan ("Overview of Implementation Strategies") is amended on Page 91 by adding under the heading "Coordination with other Plans" a second paragraph to read as follows: "Without limiting the generality of the foregoing, the "Northwest Small Area Plan for Chapel Hill's Northwest Study Area," accepted by the Chapel Hill Town Council on September 11, 1995, is specifically incorporated by reference into this Plan and supersedes any provisions of this Plan that inconsistent with the Small Area Plan with respect to Chapel Hill's northern Transition Area.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of May, 1998:

Ayes: Hank Anderson, Hilliard Caldwell, Jacquelyn Gist, Allen Spalt, Alex Zaffron

Noes: Michael Nelson

Absent or Excused: Diana McDuffee

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING A
JOINT PLANNING AGREEMENT AMENDMENT TO PROVIDE
FOR THE ADOPTION OF TEMPORARY DEVELOPMENT MORATORIA
Resolution No. 45/97-98

WHEREAS, Orange County, The Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990; and

WHEREAS, Whenever major revisions the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of the Towns of Chapel Hill and Carrboro for their Transition Areas and Orange County for the Rural Buffer are contemplated, uncertainty may be created as to the effect of ordinance amendments on development applications that are pending if and when such amendments are adopted, and;

WHEREAS, Joint Planning Agreement does not provide for development moratoria, and

WHEREAS, the Orange County Board of County Commissioners, the Chapel Hill Town Council and the Town of Carrboro Board of Aldermen desire to avoid such uncertainty, to preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study; and

WHEREAS, This issue was considered during a joint public hearing on April 8, 1998;

NOW, THEREFORE, the Joint Planning Agreement is hereby amended as follows:

1. Section 2.3 and of the Agreement ("Permit Administration Within the Transition Area" and Section 2.4 ("Permit Administration Within the Rural Buffer") are amended by adding the language proposed in "An Ordinance Amending the Joint Planning Agreement Pertaining to Development Moratoria" which was included in the agenda packet for the April 8, 1998 Joint Public Hearing and is attached hereto.

This amendment shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of May, 1998:

Ayes: Hank Anderson, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: Hilliard Caldwell

Absent or Excused: Diana McDuffee

It was the consensus of the Board to table action on a Resolution Amending the Joint Planning Area Land Use Plan to Expand the Chapel Hill Transition Area (JPA 1-98).

PRESENTATION OF MANAGER'S 1998-99 BUDGET AND REQUEST TO SET BUDGET REVIEW SCHEDULE

The Town Manager presented his recommended budget for Fiscal year 1998-99 and requested that the Board of Aldermen set a budget review schedule.

The Board requested that if the Budget Review Committee is unable to meet as a committee of the whole, that the members of the committee be invited to attend the public hearing to make comments on the proposed budget.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE FOLLOWING BUDGET REVIEW SCHEDULE:

Tuesday, May 26th

Board Receives 1998-99 Budget

Thursday, May 28th - 1st Budget Worksession

1. Overview of CIP, Five-Year Plan and Debt Service (20 min.)
2. Police Department (20 min.)
3. Fire Department (20 min.)
4. Planning Department (20 min)
Transportation Budget
5. Public Works Department (20 min.)

Tuesday, June 2nd

1. Public hearing on 1998-99 Budget
2. Presentation of the Human Services Commission's 1998-99 Budget Recommendations

Thursday, June 4th - 2nd Budget Worksession

1. Recreation Department (30 min.)
2. Administration (30 min.)
 - Town Manager
 - Economic and Community Development
 - Management Services
 - Personnel
 - Town Clerk
 - Governance
3. Non-departmental (30 min.)
 - Salary Adjustments
 - Technology Budget

Tuesday, June 9th

- 1. Report from Budget Review Committee
- 2. Board gives direction to Town Manager to prepare final budget document.

Tuesday, June 23h

Adoption of 1998-99 Budget, Pay Plan and Miscellaneous Fees and Charges Schedule

VOTE: AFFIRMATIVE ALL

UNC COMMITTEE TO DISCUSS PLANNING PROCESS FOR CENTRAL CAMPUS

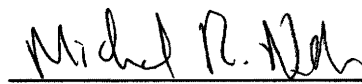
The Board requested that Alderman McDuffee and Susan Rodemeir from the Planning Board serve as Carrboro's representatives on UNC's committee to discuss the planning process for the central campus.

APPOINTMENTS TO ORANGE COUNTY HUMAN RELATIONS COMMISSION


The Town Clerk notified the Board that the town had received notification from Orange County that the terms of Josephine Harris and Jeremy Long on the Orange County Relations Commission were due to expire in June, 1998.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO RECOMMEND TO THE COUNTY COMMISSIONERS THAT JOSEPHINE HARRIS AND JEREMY LONG BE RE-APPOINTED TO SERVE AS CARRBORO'S REPRESENTATIVES ON THE ORANGE COUNTY HUMAN RELATIONS COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO ADJOURN AT 9:05 P.M. VOTE: AFFIRMATIVE ALL



 Mayor



 Town Clerk