

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 8, 1998 at 8:00 p.m. in the Town Hall Board Room.

PRESENT AND PRESIDING:

Mayor	Michael Nelson
Aldermen	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	James E. Spivey
Town Attorney	Michael B. Brough

ABSENT:

Alderman Hank Anderson

UNDULATIONS ON PINE STREET

Jackie Allen, Pine Street resident, voiced appreciation to the Board for the installation of undulations on Pine Street and voiced hope that the undulations remain.

PLAQUE PRESENTED

The Lloyd-Broad Street Community presented a plaque to the Carrboro Police Department for all of the work done and protection given to make the Lloyd-Broad Street community a safer place to live.

APPROVAL OF MINUTES

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE SEPTEMBER 1, 1998 MINUTES. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

APPOINTMENT TO ARTS COMMITTEE

The Chair of the Arts Committee recommended that Jacqueline Helvey-Hayes be appointed to the vacant seat on the Arts Committee.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPOINT JACQUELINE HELVEY-HAYES TO THE ARTS COMMITTEE. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/UNITED CHURCH OF CHRIST LIVING CENTER

Malcolm Hunter and Phillip Laucks, representing United Church of Christ Living Centers, Inc. and United Church Retirement Homes, Inc., have submitted three (3) separate petitions requesting annexation of the UCC Living Center. This property contains a total of 9.642 acres and is located on the northeast corner of the intersection of Culbreth Road and Smith Level Road. The administration recommended adoption of the ordinance annexing this property into the town limits effective September 30, 1998.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASES I, II, AND III OF THE UNITED CHURCH OF CHRIST LIVING CENTER." VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

Robert Morgan, Town Manager, explained that the applicant is anticipating moving residents into the facility on September 21, 1998. However, there are many outstanding site issues to be resolved before the Town can issue a certificate of occupancy. In an effort to accommodate the applicant, Mr. Morgan requested that the Board of Aldermen authorize him to accept the performance bond and allow the release of the certificate of occupancy.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO AUTHORIZE THE TOWN MANAGER TO ACCEPT A PERFORMANCE BOND IN AN AMOUNT THAT IS TO BE DETERMINED AFTER A LIST OF ISSUES OF CONCERN HAVE BEEN INNUMERATED. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

REQUEST FOR CONDITIONAL USE PERMIT MINOR MODIFICATION: BERRYHILL SUBDIVISION

Jim Brandewie, on behalf of The Berryhill Group, LLC, has applied for a minor modification to the conditional use permit for the Berryhill Subdivision, Phases 3 and 4 to formalize the approval of 11 lots in Phase 4. The CUP for this project did not include the approval of these 11 lots, but included a condition that required a minor modification for their formal approval. The administration recommended approval of the minor modification.

Keith Lankford, Zoning Administrator, made the staff presentation. Mr. Lankford reviewed the staff recommendations.

Henry Wells, Town Engineer, addressed engineering questions posed by the Board of Aldermen.

Jim Brandewie, developer of the project, informed the Board that the lots would only be sold to builders.

Wayne Hadler, legal counsel for the The Berryhill Group, LLC, explained that it is a legal requirement that floodplain lines be displayed on the land survey. Mr. Hadler explained that oftentimes homebuyers are required to sign a document acknowledging that they have seen a land survey with floodplain lines displayed.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE MINOR MODIFICATION WITH THE CONDITION THAT THE APPLICANT INCLUDE NOTES ON THE FINAL PLAT STATING:

- (1) No filling activities will be allowed beyond the field surveyed 100-year flood plain based upon the flood study provided by the Town of Carrboro on June 10, 1998; and
- (2) Grading plans and building permits requested for Lots 29 through 42 and Lots 48 through 53 must be reviewed and approved by the Town Engineer and minimum finished floor elevations associated with these lots must be shown on the final plat.
- (3) That the Applicant, in his marketing efforts, shall disclose to any and all potential buyers the specific floodway lines of the area of the lots considered buildable and the fact that areas which are considered unbuildable and in the floodways are subject to flooding. The Applicant shall keep a record of this notice of acknowledgment for inspection by the Town.

VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

REPORT ON BALDWIN PARK RECREATION ACTIVITIES

Before the Board of Aldermen's summer break, a report was scheduled on the request for recreation activities at Baldwin Park. This item was postponed due to the number of items that needed to be resolved before the break. Subsequent conversations and meetings with residents in the Baldwin/Lloyd Street area over the summer culminate in information to be presented to the Board regarding the present status of this item.

Richard Kinney, Recreation and Parks Director, made a report to the Board. Mr. Kinney informed the Board that the Recreation and Parks Department has, over the summer, worked closely with the Neighborhood Association in addressing the issues of the water fountain, park lighting, fencing the park, and port-a-toilets. Mr. Kinney explained that the drinking fountain and the port-a-toilets are being addressed with input from the Neighborhood Association and OWASA; the park lighting issue is being addressed by the Police and Public Works Departments; and the issue of fencing has been delayed per the request of the Neighborhood Association.

REPORT ON THE B-2 ZONING DISTRICT

The purpose of this item was to review the status of several businesses that are operating in the B-2 zoning district, but are not in compliance with the provisions of the Land Use Ordinance.

Trish McGuire, Land Use Planner, made the staff presentation and requested direction from the Board as to how to proceed in addressing this matter.

Sharon Collins, Balloons & Tunes business owner, voiced support for the idea to allowing input from business owners and property owners.

The Board referred this item to staff to develop a steering committee to hold a meeting to address this matter. The steering committee is to consist of a member of the Board of Aldermen (Alex Zaffron), a member of the Planning Board, a member of the Downtown Development Commission, a member of the business community, and a property owner. This steering committee is to have staff support.

Mike Brough, Town Attorney, encouraged the Board to address this matter as expeditiously as possible.

By consensus, the Board set October 31, 1998 as the deadline date to address this matter.

TRAFFIC CALMING DEVICES – PILOT PROJECT RESULTS AND CURRENT PROJECT UPDATE

The purpose of this item is for the Board of Aldermen to review the results of the pilot study for undulations along Pine Street and adopt the traffic-calming device as a tool within Carrboro’s Residential Traffic Management Plan. The Board also received a report on traffic calming devices installed along Cates Farm Road and Stratford Drive.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT UNDULATIONS (A.K.A. SPEED HUMPS) BE INCLUDED AS A TRAFFIC-CALMING DEVICE WITHIN THE CARRBORO RESIDENTIAL TRAFFIC MANAGEMENT PLAN. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

TOWN CODE AMENDMENT PROHIBITING PARKING ON CATES FARM ROAD BETWEEN PATHWAY DRIVE AND HILLSBOROUGH ROAD

The purpose of this item was for the Board of Aldermen to consider adopting an amendment to the Town Code which would prohibit parking along Cates Farm Road between Hillsborough Road and Pathway Drive.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING THE CARRBORO TOWN CODE DESIGNATING NO PARKING ON CATES FARM ROAD.” VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

DISCUSSION OF EXTENSION OF DEVELOPMENT MORATORIUM/NORTHERN STUDY AREA

The purpose of this item is to decide whether action should be initiated to extend the current moratorium on the acceptance of special or conditional use permit applications for projects within the Northern Study Area.

MOTION WAS MADE BY ALEX ZAFRON AND SECONDED BY JACQUELYN GIST TO DIRECT THE TOWN ATTORNEY TO DRAFT AN ORDINANCE TO EXTEND THE DEVELOPMENT MORATORIUM FOR AN ADDITIONAL THREE (3) MONTHS; WHICH EXTENDS THE MORATORIUM UNTIL DECEMBER 31, 1998. VOTE: AYES 3 (Zaffron, Gist, Spalt); NOES 3 (Caldwell, Nelson, McDuffee); ABSENT/EXCUSED 1 (Anderson).

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO DIRECT THE TOWN ATTORNEY TO DRAFT TWO (2) ORDINANCES FOR CONSIDERATION AT AN OCTOBER 06, 1998 PUBLIC HEARING; ONE OF THE ORDINANCES WOULD AUTHORIZE A TWO MONTH EXTENSION OF THE DEVELOPMENT MORATORIUM AND THE OTHER ORDINANCE WOULD AUTHORIZE A THREE (3) MONTH EXTENSION OF THE DEVELOPMENT MORATORIUM. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

CONTINUATION OF DISCUSSION ON SOLID WASTE MANAGEMENT MATTERS

The Board continued its discussion of solid waste management issues initiated at the September 1st meeting of the Board.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE ONLY PROPERTY WHICH THE TOWN OF CARRBORO WOULD CONSIDER ALLOWING THE PURCHASE OF BY THE LANDFILL ARE PROPERTIES TAX MAP REFERENCED: 7.18..27, 7.28..27E, 7.18..27F; THAT ALL THESE PROPERTIES MUST BE OFFERED FREELY FOR PURCHASING; AND THAT THE PROPERTIES, IF PURCHASED, ARE TO BE USED ONLY FOR A TRANSFER STATION AND/OR MATERIALS RECOVERY FACILITY AND/OR FOR BUFFERING. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

By consensus, the Board amended recommendation #2 regarding the Greene Tract to read: "No more than sixty (60) acres of the Greene Tract shall be used by the County for solid waste activities, but not for a municipal solid waste landfill.."

VOTING DELEGATE FOR 1998 ANNUAL LEAGUE BUSINESS MEETING

Board members who are interested in attending the League of Municipalities 1998 Annual Business Meeting will contact the Clerk's Office. From those, if any, interested in attending the meeting, a Board member will be designated as a voting delegate and a Board member will be designated as an alternate voting delegate.

JOINT TRAINING SESSION FOR PLANNING BOARD MEMBERS

By consensus, the Board voiced interest in participating in a joint training session of Planning Board members of the Town of Chapel Hill, Orange County, and the Town of Carrboro. The training session is to take place at the Institute of Government. This request and/or invitation was extended by the Margaret Brown, Chair of the Orange County Commissioners.

SOCCKER FIELD ACCESSIBILITY

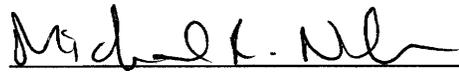
The Board directed staff to make the football field available for soccer to be played at least on Sunday mornings. This directive is given in an effort to address concerns of the Latino-Hispanic community that soccer playing is not presently allowed on the football field.

SOLID WASTE RESOLUTIONS

Alderman Spalt asked the Board for direction regarding two resolutions on waste – Zero Waste Resolution and Producer Responsibility Resolution.

The Board directed that the two resolutions be included in the Board’s agenda packet for the next Board meeting and action will be taken at that meeting.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT THE MEETING BE ADJOURNED AT 10:40 P.M. VOTE: AFFIRMATIVE ALL.



Mayor



Deputy Town Clerk