

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 8, 1999 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	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

Adopted Version

BUDGET REQUESTS

The Board received the following requests for funding in the 1999-2000 budget:

\$2,000 La Fiesta del Pueblo
\$1,000 for Fete de la Musique

REQUEST FOR OWASA TO REVISIT FEES FOR AFFORDABLE HOUSING

Myles Presler asked that the town request that OWASA revisit its policy on charging fees for affordable housing projects.

[The Board took no action on this request.]

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE JUNE 1, 1999 MINUTES. VOTE: AFFIRMATIVE ALL

FIXED ASSET POLICY

The purpose of this item was to amend the town's fixed assets inventory policy to increase the value of inventoried capital assets from \$250 to \$500.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO AMEND THE TOWN'S FIXED ASSETS INVENTORY POLICY TO INCREASE THE VALUE OF INVENTORIED CAPITAL ASSETS FROM \$250 TO \$500. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/HANNA RIDGE CONDITIONAL USE PERMIT

Andrews and Associates, Inc. has submitted an application for a conditional use permit to allow a 30-unit townhouse and single-family residential development to be located at 130 Hanna Street. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit. The administration recommended that a public hearing be set for June 22, 1999.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO SET A PUBLIC HEARING FOR JUNE 22, 1999. VOTE: AFFIRMATIVE ALL

Alderman Spalt requested that conditional use permit requests be reviewed by the Environmental Advisory Board.

A RESOLUTION HONORING JEAN S. THORPE

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION HONORING JEAN S. THORPE
Resolution No. 39/98-99

WHEREAS, Jean S. Thorpe has dutifully served the children of Carrboro citizens for over 28 years as a kindergarten teacher at Carrboro Elementary School; and

WHEREAS, with dignity, grace, wisdom, patience and love, she has molded and shaped their lives and enhanced their educational promise; and

WHEREAS, she has tirelessly devoted her time and effort to educate several generations of present and future citizens of the Town.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to Jean S. Thorpe for her exceptional service to the children of Carrboro citizens.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Mrs. Thorpe.

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 8th day of June, 1999:

Ayes: Alex Zaffron, Hilliard Caldwell, Joal Hall Broun, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: None

PROCLAMATION ISSUED

Alderman Caldwell read a proclamation proclaiming June 11, 12, and 13 and Youth Weekend in the Town of Carrboro.

A RESOLUTION HONORING DOROTHY D. WILKINSON

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION HONORING DOROTHY D. WILKINSON
Resolution No. 42/98-99

WHEREAS, Dot Wilkinson has dutifully served the children of Carrboro citizens for over 28 years as the School Secretary at Carrboro Elementary School; and

WHEREAS, Dot has served as secretary, colleague, mother, friend, nurse, and supporter for students, faculty, staff and parents; and

WHEREAS, she has tirelessly devoted her time and effort to serving several generations of present and future citizens of the Town.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to Dorothy D. Wilkinson for her exceptional service to the children of Carrboro citizens.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Mrs. Wilkinson.

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 8th day of June, 1999:

Ayes: Alex Zaffron, Hilliard Caldwell, Joal Hall Broun, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: None

A RESOLUTION COMMENDING OUTGOING SECRETARY NORRIS TOLSON

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

A RESOLUTION COMMENDING OUTGOING
SECRETARY NORRIS TOLSON
Resolution No. 41/98-99

WHEREAS, the Town of Carrboro has long been an advocate for progressive, open transportation planning and policy; and

WHEREAS, Norris Tolson has in his tenure as Secretary of Transportation brought positive change to the Department, vastly improving communication, responsiveness and trust in its relationship with local governments and citizens; and

WHEREAS, Secretary Tolson has retired to pursue other endeavors, requiring the Governor to appoint a new Secretary of Transportation.

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

Section 1. The Board thanks and commends outgoing Secretary Norris Tolson for his open and responsive leadership.

Section 2. The Board of Aldermen urge the Governor to continue the positive direction of the Department of Transportation by appointing a successor who will continue the philosophies of openness and responsiveness instituted by Secretary Tolson.

Section 3. Copies of this resolution shall be forwarded to Governor Hunt and Secretary Tolson.

Section 4. 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 8th day of June, 1999:

Ayes: Alex Zaffron, Hilliard Caldwell, Joal Hall Broun, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: None

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/GO!NIGHTCLUB

Scott Egbert submitted an application for a conditional use permit to allow a 1,644-square foot portion of the existing commercial building located at 100-F Brewer Lane to be up-fitted and used for a nightclub. The property is located within the B1-G, EAT Overlay, and RHDC Overlay zoning districts. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit.

Tina Moon, one of the town's Zoning Specialists, was sworn in. Ms. Moon presented the site plan and stated that the staff was recommending approval of the permit with the conditions that the applicant continue to seek satellite parking and that the on-site dumpster be relocated to the fourth parking space leased to Go! Rehearsals in order to preserve the existing 48-inch tree.

Alderman Spalt suggested that the traffic impact information be improved

Scott Egbert, the applicant, was sworn in. Mr. Egbert stated that he had met with Harvey Reid about his project and has expressed the desire to join the Carr Court neighborhood association. Mr. Egbert stated that his business had come about from his rehearsal studio. Mr. Egbert stated that they would be cleaning up around his business each night following close of business. Mr. Egbert stated that he feels his business will help to deter crime in this area. Mr. Egbert stated that 99 people would be allowed in his building at one time.

David Ripperton, the architect for the project, was sworn in. Mr. Ripperton stated that he feels this business will be very beneficial to the town.

Andrew McMillan was sworn in. Mr. McMillan urged the Board to approve Mr. Egbert's request.

Walter Davis, a resident of 105 Fidelity Street, was sworn in. Mr. Davis spoke in favor of Mr. Egbert's request.

Richard Taylor, a resident of 501 Jones Ferry Road, was sworn in. Mr. Taylor spoke in favor of Mr. Egbert's request.

Neal Mochel, a resident of Carrboro, was sworn in. Mr. Mochel recommended that an emergency light be placed near the emergency door.

David Brown, President of the Carr Court Neighborhood Association, was sworn in. Mr. Brown spoke against Mr. Egbert's request. Mr. Brown expressed concern about the traffic problems caused by this business. Mr. Brown also expressed concern about emergency vehicles having to come to this business. Mr. Brown suggested Mr. Egbert's business be located in an area that is not family-oriented. Mr. Brown stated that he has not heard any noise from Mr. Egbert's business so far.

Geraldine Page, a resident of Carr Court, was sworn in. Mr. Page expressed concern about traffic in this area. Mr. Page expressed concern about people hanging out around Mr. Egbert's building. Ms. Page asked that Mr. Egbert speak with the residents of Carr Court about his business.

Joy Pressler was sworn in. Ms. Pressler asked for heightened security along the Libba Cotten Bikepath.

Ian Erwin was sworn in. Mr. Erwin stated that his band practices at Mr. Egbert's business and has noticed people on occasion causing problems and Mr. Egbert has always dealt with those people causing the problems.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this board, a copy of which is filed in the Carrboro town hall. Any deviations from or changes in these plans must be submitted to the zoning administrator in writing and specific written approval obtained as provided in section 15-64 of the land use ordinance.
2. If any of the conditions affixed hereto or any part there shall be held invalid or void, then this permit shall be void and of no effect.
3. That the applicant continue to seek satellite parking.
4. That the on-site dumpster be relocated to the fourth parking space leased to Go! Rehearsals in order to preserve the existing 48-inch tree.
5. That Go! NightClub, or its successors, designate a liaison to the Carr Court Neighborhood Association to address issues that arise relating to Go! NightClub, and that quarterly status reports be made to the Board of Aldermen for the first year of operation of Go! NightClub.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

DISCUSSION WITH OWASA REPRESENTATIVES

Susie Holloway, one of the town's OWASA representatives gave a brief report on current OWASA issues of importance to the town.

Ms. Holloway stated that as of May 27, 1999, OWASA will defray part of the cost of hooking up homes in established neighborhood to water and/or sewer services up to 15% of engineering design and construction observation costs and up to 5% of legal fees. The OWASA Board has approved payment to the Orange Grove Volunteer Fire Department to help defray the costs of providing fire protection service to the Cane Creek land owned by OWASA. Chapel Hill is gathering information about establishing a possible Stormwater Utility to be responsible for collecting/treating/monitoring stormwater runoff. Work is currently underway for the preparation of a comprehensive master plan for OWASA. This study will serve as the strategic planning guide for upgrading, improving, and expanding OWASA's water and sewer infrastructure to meet existing and proposed levels of service and reliability for a 50-year planning horizon. OWASA remains interested in procuring the expanded quarry pit from the American Stone Company. Task Force on the proposed water and

sewer area boundary agreement is nearly complete. Discussions continue with the local governments about the use of Jordan Lake water. During the next year or so, OWASA will be evaluating a number of new rate structures to encourage greater water conservation. In May 1999, OWASA very successfully completed a \$15.12 million bond issue and achieved an interest rate of 4.8%. The \$17 million renovation and expansion project for the Mason Farm Wastewater Treatment Plant is projected to be substantially complete in November 1999.

Ed Kerwin, Executive Director of OWASA, stated that there is sewer available to Barington Hills. Mr. Kerwin suggested that any Carrboro citizens interested in connecting to the OWASA system should contact the OWASA staff to work out the lowest possible cost.

It was the consensus of the Board that the Agenda Planning Committee schedule a Board discussion of a possible memorandum of understanding to amend the OWASA sale agreement relating to the rate structure for the purpose of waiving OWASA fees for affordable housing.

Alderman Spalt asked for a status report from OWASA on whether the assessment policy to hook up existing homes to water and/or sewer services is working.

The Board asked that the town staff schedule another report from the OWASA representatives in six months.

REQUEST FOR MIDGET FOOTBALL PROGRAM

On June 8, 1999 the Board of Aldermen received a request to fund a midget (11-12-year-olds) contact football team. The Board referred this request to staff and the Recreation and Parks Commission for comment. The purpose of this agenda item was to discuss this request and to deliberate on further action.

Richard Kinney stated that the Recreation and Parks Commission had discussed this matter at its meeting on June 7th and had recommended that the Board take action to fund a 1999 Youth Midget Football team at a cost of \$3,164.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO FUND A 1999 YOUTH MIDGET FOOTBALL TEAM FROM THE CONTINGENCY FUND AND EVALUATE THE NEED FOR THIS TEAM IN ONE YEAR. VOTE: AFFIRMATIVE ALL

DISCUSSION OF REQUEST FROM HABITAT FOR HUMANITY TO USE 50 ACRES OF GREENE TRACT

Habitat for Humanity has submitted a request asking that Carrboro, Chapel Hill and Orange County consider allocating at least 50 acres of the Greene Tract to Habitat for Humanity for their long-term affordable housing land needs. The Board will discuss this request.

Richard Leber, a member of the Habitat for Humanity Board of Directors, stated that they would be working with other non-profit agencies in their efforts. Mr. Leber asked that the local governments take action on the Greene Tract prior to the transfer of the landfill operations to Orange County.

Mayor Nelson indicated that use of the Greene Tract would continue during discussions about the interlocal agreement for landfill operations.

ADDITIONAL BUS ROUTE ALONG SMITH LEVEL ROAD IN SOUTHERN CARRBORO

The purpose of this item was for the Board of Aldermen to review the staff's report on bus route service provided in southern Carrboro and to consider adopting the TAB's recommendation concerning bus route revisions.

Kenneth Withrow, the town's Transportation Planner, stated that Chapel Hill Transit drivers have expressed ideas to Chapel Hill Transit's administration of modifying the D bus route and J bus route. The existing problem is that the J route experiences chronic capacity loads. The D route does not operate at capacity levels. Chapel Hill Transit has offered two options for route modifications. The first option would create a D route loop to service all of Culbreth Road, continue up Smith Level Road and NC 54 Bypass to service University Commons and Kingswood Apartments, up South Columbia Street to the University and Chapel Hill, and return down South Columbia Street to Culbreth Road. The J route would remain the same. The second option would extend the D route to service all of Culbreth Road, down Smith Level Road and Rock Haven Road, and return up Smith Level Road onto Culbreth Road. The J route would be revised to service Smith Level Road down to BPW Club Road and return up Smith Level Road to service its existing route.

Mr. Withrow stated that the Transportation Advisory Board recommended Option One.

Alderman McDuffee asked for ridership information for the other bus routes and requested that the town staff relay to Chapel Hill Transit that there have been complaints about overcrowding on the C route and ineffective bus service to park and ride lots.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE TAB'S RECOMMENDATION. VOTE: AFFIRMATIVE ALL

REPORT ON SATURDAY NEIGHBORHOOD BUS ROUTE

The purpose of this item was for the Mayor and Board of Aldermen to receive a report concerning a Saturday neighborhood bus route.

Heidi Perry suggested that a survey of Farmers' Market patrons be done to determine whether there would be any interest in providing bus service to neighborhoods on weekends.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROWN TO FORM A COMMITTEE COMPOSED OF REPRESENTATIVES FROM THE FARMER'S MARKET, TRANSPORTATION ADVISORY BOARD, CARRBORO BUSINESS ASSOCIATION, DOWNTOWN DEVELOPMENT COMMISSION, AND INTERESTED CITIZENS TO STUDY THIS ISSUE AND MAKE A FINAL RECOMMENDATION. THE STUDY SHOULD INCLUDE DESIGN AND CONDUCTING OF A PUBLIC OPINION SURVEY AS OUTLINED BY MS. PERRY AND ROUTE OPTIONS ALONG WITH COST ESTIMATES FOR ADDITIONAL SERVICE. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT/MEDIATION POLICY

The purpose of this item was to consider an amendment to the Town Code to incorporate into the Code a policy (previously established by resolution for a six-month trial basis) that provides for the referral by the Town to the Dispute Settlement Center of certain disputes.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING A POLICY FOR THE REFERRAL BY THE TOWN TO THE DISPUTE SETTLEMENT CENTER OF CERTAIN DISPUTES PRESENTED TO THE TOWN." VOTE: AFFIRMATIVE ALL

REAPPOINTMENT TO OWASA

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO REAPPOINT SUSIE HOLLOWAY AS ONE OF THE TOWN'S REPRESENTATIVES ON THE OWASA BOARD OF DIRECTORS. VOTE: AFFIRMATIVE ALL

LLOYD-BROAD STREET NEIGHBORHOOD MEETING

The Board agreed to meet with the Lloyd-Broad Street Neighborhood at Baldwin Park on Wednesday, June 16th at 7:00 p.m. to discuss the neighborhood preservation district for their neighborhood.

SUBCOMMITTEE TO REVIEW BIDS FOR FINANCIAL SYSTEM

The Board established a subcommittee of Aldermen Broun and McDuffee to meet with the town staff to review the bids for the new financial system.

ABSENCE OF ATTORNEY

Mike Brough informed the Board that he would be out of town for the Board's next two meetings, but that one of his associates would be covering the meetings for him.

LETTER FROM DELORES FARRINGTON/PARKING TICKETS

Alderman Broun requested a report from the town staff on the complaint received from Delores Farrington concerning the issuance of parking tickets at St. Paul AME Church on May 30th.

Mr. Morgan informed the Board that Chief Hutchison was dealing with this matter.

QUALITY OF TELECASTING OF BOARD MEETING

Alderman McDuffee requested that the town staff have the microphones in the Board Room checked for quality in light of complaints from citizens who watch the Board meetings.

SAFETY PROBLEMS/CATES FARM/HILLSBOROUGH ROAD INTERSECTION

Alderman McDuffee requested that the town staff make suggestions for dealing with the safety problems at the Cates Farm/Hillsborough Road intersection.

REQUEST FOR REPORT ON CARR COURT TOWNHOUSES

Alderman Spalt requested a report from the town staff on why there were budget overruns on the Carr Court Townhouse project.

USE OF A PORTION SMITH MIDDLE SCHOOL PROPERTY AS A PARK

Alderman Spalt requested that the town staff follow up with the County on the town's request that a portion of the Smith Middle School property be used as a town park.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO ADJOURN TO CLOSED SESSION AT 11:05 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY/CLIENT PRIVILEGE, THE PURCHASE OF PROPERTY AND PERSONNEL MATTERS. VOTE: AFFIRMATIVE ALL

CONTRACT FOR LEGAL SERVICES/1999-2000

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE the Town Attorney's contract for 1999-2000 in the amount of \$74,454. VOTE: AFFIRMATIVE ALL

Town Clerk