

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 17, 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

REQUEST FOR REPORT ON SEWER INSTALLATION/1248-B HILLSBOROUGH ROAD

Robert Sobol, a resident of Cates Farm, expressed concern about development of the Horne property located off Hillsborough Road, and expressed concern about the installation of a sewer line under the stream at 1248-B Hillsborough Road.

Chris Murphy, the town's Interim Zoning Administrator, stated that he had spoken to the developer and informed him that the stream would have to be repaired.

The Board requested a report from the town staff in regard to a sewer line installation in the stream at 1248-B Hillsborough Road to include how the sewer line should have been installed, what directions were given to the developer by OWASA, and any recommended land use ordinance changes to address such situations in the future.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST TO APPROVE THE JUNE 22, 1999 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT RELATING TO THE GENERAL LAYOUT OF STREETS

The use of the word "road" in subsection 217(a) of the Land Use Ordinance is inconsistent with that word's definition and other ordinance provisions. An ordinance amendment has been proposed by the staff to correct this inconsistency by substituting the word "street" for "road." Should the Mayor and Board of Aldermen wish to proceed with any action on this matter, the Administration recommended adoption of a resolution setting a public hearing for September 28, 1999 and that the ordinance be submitted for advisory board and Orange County comment.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION CALLING A PUBLIC HEARING ON A
LAND USE ORDINANCE TEXT AMENDMENT TO PROVISIONS
RELATING TO THE GENERAL LAYOUT OF STREETS
Resolution No. 5/1999-2000

WHEREAS, the Carrboro Board of Aldermen recognizes the need to consider amendments to the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on September 28, 1999 to consider adopting "An Ordinance amending the Carrboro Land Use Ordinance Provisions Relating to the General Layout of Streets" that replaces the word "road" with "street," making the connectivity requirements applicable only to public streets.

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for comment and recommendation to the Board.

This is the 17th day of August 1999.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

REQUEST TO ADOPT RESOLUTIONS AWARDING A CONTRACT FOR THE PURCHASE OF A SOLID WASTE VEHICLE AND REIMBURSING THE GENERAL FUND

The Board, in adopting the FY99-2000 budget, approved the use of installment purchase (informally known as lease-purchasing financing) funding for the rear-loader solid waste vehicle. The Town of Carrboro, via new "piggybacking" purchasing laws, has the opportunity to negotiate with the vendors that were awarded a contract with the City of Raleigh. The Board is requested to award a contract for the purchase of a rear-loader solid waste and to approve a "reimbursement resolution" that confirms the Board's intent to use financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AWARDING A CONTRACT TO PURCHASE
A REAR-LOADER SOLID WASTE VEHICLE
Resolution No. 2/1999-2000

BE IT RESOLVED by the Board of Aldermen that a contract is awarded for the following:

One (1) Loadmaster "Edge" high compaction 25 cu. yard rear loader body and Dual Diamondback kart dumpers to Lodal-South, Inc. for the total price of \$32,871.00.

One (1) Truck chassis and cab, low entry, crew cab, per bid to Southern Truck Service, Inc for the total price of \$82,163.00.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

REIMBURSEMENT RESOLUTION

Resolution No. 3/1999-2000

WHEREAS, the Town Manager, Robert W. Morgan, has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

BE IT RESOLVED by the Board of Aldermen as follows:

Section 1. The purchase is a rear-loader solid waste vehicle for use by the Town.

Section 2. The project is to be financed. The expected type of financing (which may be subject to change) is installment purchase financing as allowed in North Carolina General Statutes Section 160A-20. The currently expected maximum amount of bonds or other obligations to be issued or contracted for the project is \$114,948.

Section 3. Funds that have been advanced, or may be advanced, from the General Fund for project costs are intended to be reimbursed from the financing proceeds.

Section 4. The adoption of this resolution is intended as a declaration of the Town's official intent to reimburse project expenditures from financing proceeds.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

REQUEST TO ADOPT A REVISION TO THE TOWN CODE/SUBSECTION

6-19(B)(1)(J)

On November 12, 1996 the Board of Aldermen adopted an amendment to the Town Code to allow parking along a portion of Merritt Mill Road during church services on Sundays from 9:30 a.m. to 1:30 p.m. The adopted amendment did not clearly state its purpose to allow parking in this area. Therefore, the administration recommended that the Board of Aldermen adopt an ordinance, which would accurately reflect the Board's November 12, 1996 action to allow parking along a portion of Merritt Mill Road during church services on Sundays from 9:30 a.m. to 1:30 p.m.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO CLARIFY THAT PARKING IS PERMISSIBLE ON THE WEST SIDE OF MERRITT MILL ROAD NORTH OF MAIN STREET ON SUNDAY MORNINGS." VOTE: AFFIRMATIVE ALL

APPOINTMENT TO ENVIRONMENTAL ADVISORY BOARD

There are currently two vacancies on the Environmental Advisory Board. Mr. Chris Trump has made application, and the Chair of the EAB is recommending that Mr. Trump be appointed to one of the vacant seats.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPOINTING CHRIS TRUMP TO
THE ENVIRONMENTAL ADVISORY BOARD
Resolution No. 6/1999-2000

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen hereby appoints Chris Trump to an unexpired term on the Environmental Advisory Board. This term will expire in February, 2001.

Section 2. 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 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

A RESOLUTION REACTIVATING THE HOLIDAY DECORATIONS COMMITTEE

Alderman Hilliard Caldwell, at the 1999 Annual Board of Aldermen Retreat, requested that the Holiday Decorations Committee be reactivated. The purpose of the reactivation is to have the committee evaluate the current level of decorations in the downtown and at Town Hall. Therefore this item is being presented for consideration of reactivating the Holiday Decoration Committee.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION REACTIVATING THE
CARRBORO HOLIDAY DECORATION COMMITTEE
Resolution No. 7/1999-2000

WHEREAS, the Carrboro Board of Aldermen has recognized the need to explore adding additional holiday decorations to the downtown; and

WHEREAS, there may be a need to develop a plan to purchase additional decorations; and

WHEREAS, the original committee completed its task of raising money to buy the existing decorations; and

WHEREAS, the Holiday Decorations Committee no longer meets.

NOW, THEREFORE, THE CARRBORO BOARD OF ALDERMEN RESOLVES:

Section 1. That the Holiday Decorations Committee be reactivated.

Section 2. That the Town Clerk contact all current members to determine their interest in continuing to serve on the committee.

Section 3. That the Town Clerk advertise for new members to serve on the committee.

Section 4. That the reactivated committee be responsible for evaluating the need to increase the number of decorations on Main and Weaver Streets.

Section 5. That the reactivated committee develop a plan and carry out the plan to raise the necessary funds to buy additional decorations upon the determination that additional decorations are needed.

Section 6. That 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 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

A RESOLUTION RECOMMENDING AN APPOINTEE TO THE ORANGE COUNTY CENSUS 2000 COMPLETE COUNT COMMITTEE

The Orange County Board of Commissioners is asking the Town of Carrboro for a recommendation for a representative to serve on its Census 2000 Complete Count Committee. The goal of this committee is to make everyone in the community aware of Census 2000 and to motivate communities to participate by filling out the census form and returning it. The Mayor and Board of Aldermen are asked to consider making a recommendation for this appointment.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION RECOMMENDING AN APPOINTEE TO THE
ORANGE COUNTY CENSUS 2000 COMPLETE COUNT COMMITTEE
Resolution No. 4/1999-2000**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen hereby recommends that Mark Dorosin be appointed as the Town of Carrboro's representative on the Orange County Census 2000 Complete Count Committee.

Section 2. This resolution shall be forwarded to the Orange County Board of Commissioners.

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 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

A RESOLUTION COMMENDING CARLA OVERBECK

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Diana McDuffee.

**A RESOLUTION COMMENDING
CARLA OVERBECK
Resolution No. 13/1999-2000**

WHEREAS, Carla Overbeck is a member of the 1999 Women's World Cup Champions and captain of the team; and

WHEREAS, Carla Overbeck is a four-time NCAA champion with the University of North Carolina at Chapel Hill's Women's Soccer Team, and she has served with distinction on the 1991, 1995 and 1999 World Cup teams; and

WHEREAS, Carla Overbeck, with determination, fortitude, grace, hard work, and competitive spirit, has shown young women and men throughout the world that women can be great world-class athletes.

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

Section 1. The Carrboro Mayor and Board of Aldermen now takes this means of expressing to Carla Overbeck its deepest appreciation and deep gratitude for her service, leadership, and stewardship, and wishes for her the rewards of personal happiness in the years ahead.

Section 2. This resolution shall be entered into the minutes of the August 17, 1999 meeting of the Carrboro Board of Aldermen and a copy shall be presented to Carla Overbeck.

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 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

A PUBLIC HEARING ON A STREET CLOSING PERMIT APPLICATION TO ACCOMMODATE GUELAGUETZA (MEXICAN DANCE TROUPE)

The Carrboro Art Committee, in conjunction with Weaver Street Market, Green Tara Gallery and David Stuckey, has submitted a street closing permit application to close portions of Weaver Street to accommodate dancing by Guelaguetza (a Mexican dance troupe) on Friday, September 17th from 6:15 p.m. to 8:15 p.m. A public hearing is required by ordinance to review street closing permit applications. The administration recommended that the resolution authorizing the street closing be adopted.

Nancy Park asked that the Town of Carrboro be a sponsor of the event and waive the fees associated with the street closing.

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

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF PORTIONS
OF EAST WEAVER STREET AND WEST WEAVER STREET
TO ACCOMMODATE GUELAGUETZA
Resolution No. 9/1999-2000

The Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The following streets shall be temporarily closed on Friday, September 17, from 6:15 p.m. to 8:15 p.m. to accommodate Guelaguetza.

- 100 block of East Weaver Street from the Main Street intersection to the Greensboro Street intersection
- West Weaver Street from the Greensboro Street intersection to West Main Street intersection

Section 2. The Public Works Department shall provide temporary traffic control devices on the day of the closing (cones, barricades, and signs) and the Event Sponsor shall be responsible for reimbursing the associated labor cost to the Town;

Section 3. The Event Sponsor shall be responsible for reimbursing the Town the actual cost for utilizing off-duty Police Officers to manage traffic control; actual cost will depend upon which officers are assigned on parade day;

Section 4. The Event Sponsor shall provide volunteers to serve as parking monitors at the intersections of side streets to Weaver Street;

Section 5. The Event Sponsor shall be responsible for the removal of waste and debris from the closed portions of East and West Weaver Street and their associated right-of-way areas prior to re-opening;

Section 6. The Event Sponsor shall be responsible for notifying Central Communications, prior to and on the event day, when the streets are closed and when reopened.

Section 7. The advertising cost associated with this street closing shall be waived.

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 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

CONTINUATION OF PUBLIC HEARING/REQUEST FOR CONDITIONAL USE PERMIT/HANNA RIDGE

The purpose of this item was to continue a public hearing on an application submitted by Andrews and Associates, Inc. for a conditional use permit to allow an architecturally integrated subdivision of 28 townhomes and 2 single-family detached residential lots to be located at 130 Hanna Street. The Board of Aldermen must hold a public hearing to receive public input before reaching a decision on a conditional use permit. The applicant requested that the Board of Aldermen consider, deliberate and make a decision on the conditional use permit request.

Chris Murphy, the town’s Interim Zoning Administrator, stated that the town staff recommended approval of the conditional use permit with the following conditions:

1. That the proposed stormwater detention basin be eliminated and the resultant ‘saved’ area be incorporated into the undisturbed open space area required for the site, to the extent practicable. Some

of the area currently used for the stormwater detention basin may be needed for erosion control measures.

2. That the developer design and construct an integral pour sidewalk within the existing right-of-way on the low side of Hanna Street, extending from the Hanna Ridge development to Greensboro Street, subject to the understanding that, upon completion, the Town will reimburse the developer 50% of the direct cost incurred by the developer in the design and construction of this sidewalk. The design of the sidewalk shall be subject to review and approval by the Town and the design and construction of the sidewalk shall be completed prior to final plat approval for Hanna Ridge.
3. That the lighting plan for the Hanna Ridge project be designed with light fixtures no taller than 15 feet and that the 0.2 foot candle illumination contour is adhered to the property line per Section 15-243 of the Carrboro Land Use Ordinance.
4. That the two lots located along Waters Road be internalized to the development so that the lots are accessed off the internal private road proposed for the project, indicated on the plans as Hanna Circle.

Mr. Murphy reviewed his memorandum that stated the town's position on the developer's concessions. (Developer's concessions dated August 16, 1999.)

Tom Whisnant stated that they could not reduce the number of units. Mr. Whisnant answered the Board's questions concerning the project.

Victoria Porto, a resident of 107 Watters Road, was sworn in. Ms. Porto presented a petition signed by 150 residents of Carrboro speaking against the proposed development.

Jackie Allen, a resident of 123 Pine Street, was sworn in. Ms. Allen presented information on average daily trip projections on North Greensboro Street and accident information in this area.

Parke Thomas, a resident of 101 Oak Street, stated that traffic volume is greater in the Hanna Street area than in the Morningside Drive area. Mr. Thomas also presented information about speeding on North Greensboro Street in the vicinity of Hanna Street. Mr. Thomas urged the Board not to approve this project.

Constance Newman, a resident of 101 Oak Street, was sworn in. Mr. Newman stated if this development is completed as proposed, it will not be in conformity with the thoroughfare plan. Ms. Newman stated that she feels Hanna Street should not be classified as a sub-collector, but should be categorized as a local street.

Brad Rigdon, a resident of 114 Watters Road, stated that he had learned that his property value has decreased. Mr. Rigdon distributed copies of plans with Nationwide Homes of a home comparable to what the developer is proposing. The cost in the plans is listed as \$90,000. Mr. Rigdon expressed concern about the negative impact of increased traffic on his home. Mr. Rigdon expressed concern about drainage issues when this property is clear-cut. Mr. Rigdon stated that Carrboro should protect his property from water damage.

Bill Buxton was sworn in. Mr. Buxton explained the process used by neighbors and the developers concerning this matter.

Deborah Rigdon, a resident of 114 Watters Road, presented a letter from the N.C. Dept. of Cultural Resources speaking to the historic significance of the Weaver House on Watters Road. In addition, Ms. Rigdon presented a news article entitled, "Hanna Ridge Would Serve Carrboro Goals." Ms. Rigdon stated that she feels the proposed development will not be in harmony with the existing neighborhood.

Marty Mandell, a resident of Pine Street, was sworn in. Ms. Mandell stated that she does not feel Hanna Ridge is in harmony with existing neighborhoods, that the proposed development will not be affordable, and is not in the public's best interest. Ms. Mandell presented a map showing the rental units in Carrboro.

Carolyn Marlowe, a resident of 120 Hanna Street, stated that the plans for the sidewalk with no cost to the property owners would be acceptable. Ms. Marlowe expressed concern about the increased traffic onto North Greensboro Street in the curve at Hanna Street.

James Porto, a resident of Watters Road, addressed the Board on the criteria raised in Section 15-54(c)(4)(4) which reads: "Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board." Mr. Porto stated that he believes the plans as submitted are factually incorrect and should be corrected before final approval of this project. If the developer attempts to file a new plat based upon this approved plan, he will sue. Mr. Porto stated that the density of this project needs to be reduced so that it will be in conformity with the land use plan should the developer lose the top acre.

Bob Ross, a resident of 702 Bolin Creek Drive, presented a drawing of existing trees and slopes. Mr. Ross spoke against the Transportation Advisory Board's recommendation to place auxiliary parking in the area reserved for the detention pond. Mr. Ross suggested that the number of units in the development be reduced thereby decreasing the need for the auxiliary parking and that the north slope not be disturbed.

Dale Whittington, a resident of 105 Watters Road, was sworn in. Mr. Whittington stated that he feels this project is too large and too dense. Mr. Whittington suggested that the cost of the sidewalk be determined before the Town agrees to pay for 50% of that cost.

Nancy Whittington, a resident of 105 Watters Road, stated that she felt the Board would be voting for the existing neighbors if it votes against this project, and if the Board votes for this project, it will be voting for the Hanna Ridge residents and against the existing neighbors.

Virginia Foust was sworn in. Ms. Foust asked why the town adopted a tree protection ordinance. Ms. Foust suggested that the town solicit funds to buy this property.

Bonny Moellenbrock, a resident of 111 Hanna Street, asked that the town require the developer put in speed bumps along with the sidewalk. Ms. Moellenbrock spoke against the connection of Hanna Street onto Estes Drive. Ms. Moellenbrock spoke in favor of in-fill development if infrastructure is in place.

Kevin Weeks, a resident of 606 Bolin Creek Drive, was sworn in. Mr. Weeks asked that the OWASA easement be located adjacent to the road rather than adjacent to the existing easement to reduce the clear cutting of trees.

Steve Rose, a resident of 113 Hanna Street, stated that he was satisfied with the proposed sidewalk and that the costs have been estimated by the town's engineer. Mr. Rose stated that the traffic-calming device should be required to be installed.

Wallace Kuralt, a resident of 110 Watters Road, spoke against 28 units. Mr. Kuralt asked that the Board consider this project at another time.

Alonus Callemyn, a registered surveyor, was sworn in. Mr. Callemyn stated that he stands behind his survey of this property.

Neal Mochel, Chair of the TAB, stated that the TAB recommended that the sidewalk be installed prior to development and that the TAB felt that additional parking be placed on the property, but not in the area of the detention pond.

Griffin Graves, an attorney representing the developer, was sworn in. Mr. Graves stated that his client has title insurance policy on their property.

Allison Erca, an attorney representing the Rigdons, spoke concerning title to the one acre. Ms. Erca stated that the Rigdons plan to file suit to resolve title to this property. Ms. Erca asked that the Board postpone its decision on this project until the title issue is resolved.

Mike Brough stated that the title issue is not a germane issue for the Board to deal with.

David Kitzmiller stated that the traffic calming devices are needed on Hanna Street regardless of whether this development is approved.

Jim Parker, the engineer for this project, was sworn in. Mr. Parker spoke on behalf of Mr. Callemyn's survey.

A letter was submitted from John Kessler, a resident of 704 Bolin Creek Drive, speaking in opposition to construction of the drainage retention pond or the construction of overflow parking as proposed by the TAB, and also expressing concern about the increased traffic volume and excessive speeds on North Greensboro Street.

Parker Sniffen, was sworn in. Mr. Sniffen gave the timeline for the developer's preparation of plans for this project.

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

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALLEN SPALT TO CONTINUE THIS PUBLIC HEARING ON SEPTEMBER 7, 1999 FOR THE PURPOSE OF RECEIVING CLARIFICATION ON ISSUES, THAT WRITTEN COMMENT WILL BE RECEIVED BY THE TOWN CLERK'S OFFICE UNTIL 5:00 P.M. ON THURSDAY, SEPTEMBER 2ND, AND THAT THE TOWN STAFF PROVIDE THE FOLLOWING:

- Comment on the information submitted by Jackie Allen relating to traffic;
- Comment on the OWASA easement located off Watters Road, including alternate locations;
- Comment on locating a small number of additional parking spaces in the project (excluding the north slope area)
- A diagram showing the traffic calming devices.

VOTE: AFFIRMATIVE ALL

A PUBLIC HEARING ON A REQUEST TO PERMANENTLY CLOSE AN UNOPENED PUBLIC RIGHT-OF-WAY ON HILLVIEW STREET LOCATED ADJACENT TO 206 AND 300 PLEASANT DRIVE

On June 15, 1999, the Board of Aldermen adopted a resolution declaring its intent to close an unopened public right-of-way on Hillview Street adjacent to 206 and 300 Pleasant Drive. The purpose of this public hearing was to receive public comment on the request to permanently close this public right-of-way and vesting all right, title and interest in the closed right-of-way to those persons owning parcels abutting the right-of-way.

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

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF A 43.86' WIDE
PUBLIC STREET RIGHT-OF-WAY ON HILLVIEW STREET AND
BEING LOCATED ADJACENT TO 206 AND 300 PLEASANT DRIVE AND
FURTHER IDENTIFIED AS BEING BETWEEN PARCEL IDENTIFICATION
NUMBERS 9778-98-1624 AND 9778-98-1473 AND 9778-98-1795 AND 9778-99-6223
Resolution No. 8/1999-2000

WHEREAS, the Board of Aldermen at its June 15, 1999 meeting, adopted a resolution declaring its intention to close an unopened portion of public street right-of-way (16,305 total square feet) adjacent to 206 and 300 Pleasant Drive and further identifies as being between parcel identification number 9778-98-1624 and 9778-98-1473 and 9778-98-1795 and 9778-99-6223

WHEREAS, in this same resolution the Board of Aldermen set a public hearing on this question for August 17, 1999 at 7:30 p.m. in the Town Hall; and

WHEREAS, a copy of this resolution was published in the Chapel Hill Newspaper on June 25, July 2, July 9, and July 16 and was sent by certified mail to the owners of property adjoining the street and a notice of the public hearing was posted in two places along said street, all in accordance with G.S. 160A-299; and

WHEREAS, the Board of Aldermen duly held a public hearing to consider this street closing in question at its regular scheduled meeting on August 17, 1999;

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

Section 1. Having heard all of the testimony presented at the public hearing on the proposed closing of an unopened portion of a public street right-of-way adjacent to 206 and 300 Pleasant Drive (16,305 total square feet of right-of-way), the Aldermen conclude that this street closing is not contrary to the public interest and that no individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his property.

Section 2. Therefore, the Board of Aldermen orders that a portion of the 43.86' wide public street right-of-way beginning at the northeast corner of the property identified by PIN 9778-98-1624 (206 Pleasant Drive) and continuing to the northwest corner of the property identified by PIN 9778-98-1473 and beginning at the southeast corner of the property identified as PIN 9778-99-1795 (300 Pleasant Drive) and continuing to the southwest corner of the property identified by PIN 9778-99-6223 be and the same is hereby enclosed.

Section 3. A certified copy of this order shall be filed in the Office of the Orange County Register of Deeds.

Section 4. All right, title, and interest in the 16,305 SF portion of the right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the street right-of-way identified by parcel identification numbers 9778-98-1624, 9778-98-1473, 9778-98-1795 and 9778-99-6223 according to the county tax records, and the title of such landowners identified by parcel identification numbers 9778-98-1624, 9778-98-1473, 9778-98-1795 and 9778-99-6223, for the 43.86' width of the abutting land owned by them, shall extend as indicated on the Freehold Land Surveys, Inc. survey entitled closing of a portion of Hillview Street and recombination and with the adjacent parcels.

Section 6. Any person aggrieved by this street right-of-way closing may appeal this order to the General Court of Justice within thirty (30) days after its adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

DISCUSSION OF AGREEMENT ON SOLID WASTE MANAGEMENT

On June 15, 1999 the Mayor and Board of Aldermen authorized the Mayor to sign the Agreement on Solid Waste Management. The Orange County Commissioners and the Chapel Hill Town Council met later in June and amended the June 1st draft of the Agreement. The Mayor felt that these amendments are significant enough that the Board should review the revised agreement at its first meeting in August.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION PROVIDING FURTHER AUTHORIZATION
FOR THE MAYOR TO EXECUTE AN AGREEMENT
FOR SOLID WASTE MANAGEMENT
Resolution No. 10/1999-2000

WHEREAS, on June 15, 1999, the Town of Carrboro authorized the Mayor to execute an Agreement For Solid Waste Management to transfer management responsibilities for all disposal, recycling waste reduction and material processing to Orange County; and

WHEREAS, after consideration of the actions taken by the governing bodies of the other prospective parties to the agreement, the Board has determined to modify the terms of its approval to allow for the completion of the Agreement;

NOW THEREFORE, BE IT RESOLVED by the Carrboro Mayor and Board of Aldermen, as follows:

1. The Board approves the draft Agreement for Solid Waste Management as proposed in the July 2 and 7, 1999 letters from the Orange County Commissioners, with the following modifications:
 - (a) Part 5 of the Agreement (relating to the Greene Tract) shall be modified to prohibit the use of the 60-acre portion of the Greene Tract that is to be transferred to the County for burying solid waste or as a C&D landfill, while facilitating the County's use of the property for other solid waste management purposes. The second paragraph of Part 5 shall be amended to read substantially as follows:

Chapel Hill, Carrboro and the County (the "Greene Tract Owners) will transfer to the County title to that portion of the Greene Tract described on Exhibit E, which contains approximately sixty acres once (1) agreement is reached on the use of the remaining portions of the Greene Tract; and (2) a signed agreement is executed guaranteeing extension of water

to the landfill neighborhoods. The County may use the property described on Exhibit E for System purposes. The deed to this property will include a restriction prohibiting the use of the parcel for burying solid waste or as a construction and demolition waste disposal site. This restriction would become effective at the same time that the contemplated rezoning is effective; and it would remain effective so long as zoning remains effective which allows solid waste management uses other than burial of waste, as permitted uses.

- (b) Part 4 of the Agreement (relating to the setting of governmental fees and other fees) should reflect the language proposed in the June 1, 1999 draft of the Agreement

- 2 The Board authorizes the Mayor to execute and deliver the final form of the Agreement for Solid Waste Management. The final form of the Agreement shall be in substantially the form of (a) the draft dated July 2, 1999, with (b) the modifications described above.
- 3. The Mayor is authorized to accept minor additional adjustments if proposed by the other parties of the agreement, which are consistent with the spirit of the Board's discussion of August 17, 1999.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of August, 1999:

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

Noes: None

Absent or Excused: None

A RESOLUTION CHANGING THE NAME OF THE BOARD OF ALDERMEN TO BOARD OF COUNCILLORS

The Board of Aldermen requested that the Orange County Legislative Delegation support special legislation that would authorize the Board to change its name to the Board of Councillors. That legislation has been enacted by the General Assembly. The Town Attorney has prepared a resolution for the Board's consideration changing the name of the Board of Aldermen to the Board of Councillors.

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

A RESOLUTION CHANGING THE NAME OF THE
BOARD OF ALDERMEN TO BOARD OF COUNCILLORS
Resolution No. 1/1999-2000

WHEREAS, the General Assembly of North Carolina has ratified Session Law 1999-255 which, among other matters, amends the Carrboro Town Charter to authorize the Board of Aldermen to change its name to Board of Councillors, Board of Commissioners or Town Council, as determined by resolution of the Board; and

WHEREAS, the Board of Aldermen deems it appropriate to change its name to the Board of Councillors.

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

Section 1. The name of the governing body of the Town of Carrboro, previously the Board of Aldermen, shall hereafter be the Board of Councillors.

Section 2. As provided in Section 2 of the above-reference Local Act, whenever the Town Charter or any ordinance or resolution or other document refers to the Carrboro Board of Aldermen, such reference shall be deemed to refer to the Carrboro Board of Councillors.

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 17th day of August, 1999:

Ayes: Joal Hall Broun, Diana McDuffee, Alex Zaffron

Noes: Michael Nelson, Jacquelyn Gist, Hilliard Caldwell, Allen Spalt

Absent or Excused: None

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO
ADJOURN AT 11:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk