

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 7, 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

STORMWATER MANAGEMENT

Erwin Gutzwiller stated that the land use ordinance has provisions relating to stormwater management that would allow the Board to deny permits for developments.

FUND-RAISING FOR THERMAL IMAGING CAMERA

Catherine Grimball, representing the Arts Committee, stated that the Arts Committee would like to assist the fire department with raising funds for the purchase of a thermal-imaging camera for the fire department. There has been a fundraising event scheduled for October 9th from 2:00 - 6:00 p.m. at the Carrboro Fire Department.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE AUGUST 24, 1999 MINUTES. VOTE: AFFIRMATIVE ALL

REPORT ON THE SEWER CONNECTION AT 1246-B HILLSBOROUGH ROAD

At the August 17, 1999 Board of Aldermen meeting, Robert Sobol, President of the Cates Farm Homeowners Association, made a presentation from the floor regarding a problem with the contractor at 1246-B Hillsborough Road 'damming' up the creek with a sewer connection. The Board of Aldermen requested that staff provide a timeline for the approval of the lot citing any applicable ordinance sections, investigate the installation of the crossing and report the findings at a subsequent Board of Aldermen meeting. Staff and the Town Engineer have evaluated the situation and have prepared a report.

NORTHERN COMMUNITY PARK REQUEST

The Board of Aldermen authorized the Mayor to send an earlier letter asking the Orange County Board of Commissioners to assist in certain unmet park needs, possibly through uncommitted bond funds from the County's 1997 Park Bond referendum. After recent planning efforts and discussion with County officials, the Town Manager has developed a letter that considers this earlier request in context of these planning efforts. The Town Manager asked that the Board authorize sending this letter forward.

Alderman Gist requested that the diagram of a typical community park be revised to include a soccer field.

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

A RESOLUTION AUTHORIZING THE MAYOR TO SEND A LETTER
PROPOSING A JOINT VENTURE OF DEVELOPING A SITE
THAT COULD ACCOMMODATE ACTIVE AND PASSIVE RECREATION,
SCHOOL USE, OPEN SPACE AND LAND PRESERVATION
Resolution No. 23/1999-2000

THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Mayor is hereby authorized to send the attached letter to the Orange County Commissioners requesting the joint development of land for active and passive recreation, school use, open space and land preservation.

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 7th day of September, 1999:

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

Noes: None

Absent or Excused: None

CHARGE ISSUED

The Town Clerk issued a charge to Christopher Trump, a recent appointee to the Environmental Advisory Board.

PUBLIC HEARING/CONTINUATION OF THE PUBLIC HEARING ON THE HANNA RIDGE CONDITIONAL USE PERMIT

The purpose of this item was to continue a public hearing on an application submitted by Andrews & Associates, Inc. for a conditional use permit to allow an architecturally integrated subdivision consisting of 28

townhomes and 2 single-family detached residential lots at 130 Hanna Street. The Board of Aldermen continued the August 17, 1999 public hearing to receive additional information before reaching a decision on this conditional use permit application. Additional information from the public was to be submitted to the Town Clerk before 5:00 p.m. on Thursday, September 2, 1999. The applicant requests that the Board of Aldermen consider, deliberate and make a decision on the conditional use permit request.

Kenneth Withrow, the town's Transportation Planner, was sworn in. Mr. Withrow stated that there are currently more than 200 trips per day on Hanna Street. The projected traffic is 480 trips per day following construction of Hanna Street.

Chris Murphy, the town's Interim Zoning Administrator, stated that he and the town's Landscape Supervisor had reviewed the developer's tree removal plan.

Henry Wells, the town's Consulting Engineer, was sworn in. Mr. Wells stated that it was decided not to put detention on the site because of the increase in the time to peak in a stormwater event.

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

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE 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 ALLEN SPALT 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 thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. 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;
4. 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 fifty percent 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;
5. That the lighting plan for the Hanna Ridge project be designed with light fixtures no taller than 15' and that the 0.2 foot-candle illumination contour is adhered to at the property line per Section 15-243 of the LUO.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON THAT THE PROPOSED SEWER OUTFALL LINE AND EASEMENT BE RELOCATED TOWARDS THE WEST (TOWARDS THE EXISTING 30' STORM DRAINAGE EASEMENT) TO THE GREATEST EXTENT ALLOWABLE BY TOWN AND OWASA POLICIES INCLUDING HAVING THE TWO OVERLAP IN ORDER TO REDUCE CLEARING OF TREES ALONG THESE EASEMENTS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON THAT TO THE EXTENT PRACTICABLE, THE AMOUNT OF PARKING BE INCREASED SO THAT THE RESULTANT EQUATION REQUIRES TWO AND ONE-HALF (2 1/2) PARKING SPACES PER ONE (1) TOWNHOME UNIT AND THAT ANY RESULTANT INCREASE IN VEHICULAR SURFACE AREA BE SHADED PER SECTION 15-317 OF THE LAND USE ORDINANCE IT IS FURTHER RECOMMENDED THAT THE PROPOSED ADDITIONAL PARKING SPACES BE LOCATED ALONG THE PRIVATE ROAD SO THAT THEY FACE THE INTERIOR OF THE SITE AND NOT BE LOCATED IN THE VICINITY OF THE PROPOSED STORMWATER DETENTION BASIN AREA. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT THAT THE DEVELOPER PROVIDE A STUB-OUT TO THE EAST TO THE "ADAMS' TRACT" FOR POSSIBLE FUTURE USE AS A SECOND ROUTE OF ACCESS TO HANNA RIDGE RESIDENTS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JACQUELYN GIST THAT THE TWO LOTS FACING WATTERS ROAD (LOTS B AND C) BE COMBINED WITH JUST ONE HOUSE BEING CONSTRUCTED ON THIS NEW LOT. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (ZAFFRON, BROWN, MCDUFFEE)

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JACQUELYN GIST THAT THE PROPOSED WATERLINE LOOP FROM WATTERS ROAD BE RETAINED ON AN EASEMENT TO BE LOCATED TO THE WESTERN EDGE OF THE PROPERTY OR AT SUCH LOCATION AS IS AGREED TO BY THE ADJACENT PROPERTY OWNERS, OWASA AND THE DEVELOPERS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JACQUELYN GIST THAT THE UNITS 25-28 BE ELIMINATED AND CONVERTED TO OPEN SPACE. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (ZAFFRON, CALDWELL, MCDUFFEE, BROWN)

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JACQUELYN GIST THAT PROPOSED TOWNHOME UNITS 25-28 BE REDUCED TO TWO, SINGLE-FAMILY UNITS. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (MCDUFFEE, ZAFFRON)

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON THAT THE TOWN'S PUBLIC WORKS DEPARTMENT APPROVE THE SELECTION OF SHADE TREES (IN ACCORDANCE WITH THE TREE PROTECTION ORDINANCE) FOR THE PARKING AREAS AS AN ALTERNATIVE TO HONEY LOCUSTS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JACQUELYN GIST THAT THE DEVELOPERS REIMBURSE THE TOWN FOR 50% OF THE DIRECT COST OF THE INSTALLATION BY THE TOWN OF TWO SPEED HUMPS ON HANNA STREET PRIOR TO FINAL PLAT APPROVAL. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON THAT CROSSWALKS BE PLACED FROM THE TOWNHOMES TO THE DUMPSTER LOCATIONS. THE CROSSWALKS MUST INCLUDE CURB CUTS FOR HANDICAPPED ACCESS TO SIDEWALKS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT CONSTRUCTION TRAFFIC BE LIMITED BASED ON SCHOOL BUS OPERATION HOURS WHEN SCHOOL IS IN SESSION SHOULD SCHOOL SCHEDULES COINCIDE WITH CONSTRUCTION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JOAL HALL BROUN THAT THE APPLICANT PROVIDE FACILITIES FOR RECYCLING WITHIN, OR BY, THE TWO DUMPSTER AREAS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON THAT THE APPLICANT INSTALL A LANDSCAPE SCREEN OF A HEIGHT TO DIMINISH THE BRIGHTNESS OF TAILLIGHTS AS SEEN FROM BOLIN FOREST, ALL IN ACCORDANCE WITH THE TOWN'S LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALLEN SPALT THAT PEDESTRIAN ACCESS BE DEDICATED TO THE TOWN ACROSS THE NORTHERNMOST SIDE OF THE PROPERTY. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT THAT THE FINDING IS MADE THAT THIS PROJECT IS ELIGIBLE TO UTILIZE THE PROVISIONS OF SECTION 15-128.12, AUTHORIZATION OF NONCONFORMING PROJECTS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY ALEX ZAFFRON THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY DIANA MCDUFFEE TO AUTHORIZE THE MAYOR TO FORWARD A LETTER TO THE OWASA CHAIR REQUESTING THAT THE CLEARING FOR INSTALLATION OF THE SEWER LINE BE REDUCED MORE THAN FIVE FEET AS IS CURRENTLY BEING PROPOSED BY THE OWASA STAFF. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO DIRECT THAT THE TOWN STAFF INSTALL TWO SPEED HUMPS ON HANNA STREET IN ACCORDANCE WITH THE PLAN SUBMITTED BY THE TOWN'S TRANSPORTATION PLANNER ON AUGUST 17, 1999, AND CONSISTENT WITH THE TOWN'S TRAFFIC MANAGEMENT PLAN, AND THAT THE TOWN SEEK REIMBURSEMENT OF 50% OF THE COST OF THE SPEED HUMPS FROM THE DEVELOPER AS PER THE CONDITIONAL USE PERMIT.
AFF ALL

REVIEW OF THE REPORT ON VERNACULAR ARCHITECTURAL STANDARDS REVIEW PROCESS

Throughout the review and deliberation of the Northern Study Area Ordinance, the Board of Aldermen expressed some concern about the proposed Vernacular Architectural Standards. In their final vote on this matter, the Board voted unanimously to adopt them as "recommended" standards and to refer the standards

back to the advisory boards for additional review. The staff has developed a proposal for a review process that will involve members of the advisory boards and interested citizens and has prepared a resolution, which directs staff to proceed with the initiation of this process.

Alderman Gist requested this item be delayed in order that the Ordinance Drafting Committee may review this proposal.

Alderman Broun requested that the staff place an ad in the newspaper inviting public comment on the proposed process.

Alderman McDuffee asked that the town staff prepare a proposal for ensuring that letters received by the town are entered into the official record.

It was the consensus of the Board to forward this proposal to individual members of the Ordinance Drafting Committee for comment prior to Board action.

A REQUEST TO ADOPT A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT FOR SOLID WASTE MANAGEMENT

The Town has received a response from the Orange County Board of Commissioners regarding the resolution the Carrboro Mayor and Board of Aldermen adopted on August 17th concerning the Agreement for Solid Waste Management. The Commissioners have requested that the Board consider approving the Agreement at the September 7th meeting.

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

A RESOLUTION TO APPROVE THE
INTERLOCAL SOLID WASTE MANAGEMENT AGREEMENT
Resolution No. 25/1999-2000

WHEREAS, discussions about a series of draft interlocal agreements on solid waste management in recent months have brought all parties close to final agreement on a document which the County and Towns could approve; and

WHEREAS, the Carrboro Board of Aldermen adopted a resolution on August 17, 1999 indicating the Town's preparedness to approve the interlocal agreement under consideration, subject to certain modifications outlined in that resolution, including two constraints on the timing of the transfer of title to 60 acres of the Greene Tract and two revisions relative to setting fees; and

WHEREAS, the Orange County Board of Commissioners resolved to reaffirm its intent to negotiate in good faith with the other parties regarding the ultimate disposition of the remaining approximately 109 acres of the Greene Tract during the bargaining period defined in the interlocal agreement, and states its general support for the use of the remainder of that property predominantly for public purposes; and

WHEREAS, the Commissioners reaffirmed its commitment to expeditious provision of public water lines to appropriate and willing residents in the vicinity of the current Eubanks Road Landfill, known as the historic Rogers Road neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CARRBORO MAYOR AND BOARD OF ALDERMEN THAT, based upon the Orange County Board of Commissioners' above affirmations and the trust this Board places in them, the Board of Aldermen resolves the following:

1. The Board approves the August 31, 1999 draft of the Interlocal Agreement for Solid Waste Management with the following modification:

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 August 31, 1999, with (b) the modification described above.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of September, 1999:

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

Noes: None

Absent or Excused: None

A REQUEST TO ADOPT A RESOLUTION CONCEDING AUTHORITY TO ORANGE COUNTY/ DISCUSSIONS CONCERNING THE APPROVAL/ DISAPPROVAL OF A CONSTRUCTION AND DEMOLITION LANDFILL SITE

The Mayor has received a letter from Alice Gordon, Chair of the Orange County Board of Commissioners requesting the Carrboro Mayor and Board of Aldermen to cede authority to the Board of Commissioners to make the decisions concerning the approval of the potential Guess Road and Eubanks Road Construction and Demolition Landfill sites. The Board will review the letter and consider a resolution on this matter.

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

**A RESOLUTION CEDING AUTHORITY TO ORANGE COUNTY
TO MAKE DECISIONS CONCERNING THE APPROVAL
OF A CONSTRUCTION AND DEMOLITION LANDFILL SITE
Resolution No. 22/1999-2000**

WHEREAS, a prompt decision needs to be made concerning the approval of a construction and demolition landfill site due to the September 30th expiration of the option to purchase the Guess Road site; and

WHEREAS, affected citizens of the two sites need clarity as to which governing board they should address their concerns; and

WHEREAS, the Orange County Board of Commissioners will assume responsibility for solid waste management in Orange County in the year 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CARRBORO MAYOR AND BOARD OF ALDERMEN:

Section 1. The Carrboro Mayor and Board of Aldermen hereby cede their authority to the Orange County Board of Commissioners to approve a construction and demolition landfill site if the Interlocal Solid Waste Management Agreement is executed by all three parties by September 14, 1999.

Section 2. The Board of Aldermen reserves the right to transmit its opinions about potential sites 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 7th day of September, 1999:

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

Noes: Jacquelyn Gist

Absent or Excused: None

RETREAT DATES

The Board agreed to hold retreats on November 13th and 14th and January 29th and 30th. In addition, the Board agreed to hold the Town Meeting on October 2nd.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN TO CLOSED SESSION TO DISCUSS A MATTER INVOLVING LITIGATION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk