A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 28, 1999 at 7:30 p.m. in the Town Hall Board Room.

PRESENT AND PRESIDING:

MAYOR Michael Nelson
ALDERMEN Joal Hall Broun

Jacquelyn Gist Diana McDuffee Allen Spalt Alex Zaffron

ASSISTANT TOWN MANAGER
DEPUTY TOWN CLERK
TOWN ATTORNEY

L. Bing Roenigk
James E. Spivey
Michael B. Brough

Absent:

ALDERMAN Hilliard Caldwell

CONDOLENCE TO THE WILLIAMSON AND CRABTREE FAMILIES

Mayor Nelson voiced condolence to the family of Mr. Eric Crabtree who died earlier this week. Mr. Crabtree was the father of Town Clerk Sarah Williamson and a retired firefighter. The Crabtree Family requested that in lieu of flowers, monetary donations be made to the Carrboro Fire Department to assist the Department in its efforts to purchase a thermal imaging camera.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST THAT A \$5,000 DONATION, FROM THE CONTINGENCY FUND, BE MADE TO THE CARRBORO FIRE DEPARTMENT IN THE NAME OF MR. ERIC CRABTREE TO ASSIST IN THE FIRE DEPARTMENT'S EFFORTS TO PURCHASE A THERMAL IMAGING CAMERA. VOTE: AFFIRMATIVE ALL.

Mayor Nelson also voiced condolence to the family of James D. Langford who died this week and was a former Carrboro Police Officer.

FIRE TRUCK FOR THE TOWN OF LEWISVILLE, NORTH CAROLINA

Rodney Murray, Fire Chief, reported that the Town collected and delivered approximately 1800 gallons of water and a u-haul truckload of goods to the flood victims of Hurricane Floyd. Chief Murray also informed the Board that a small town in eastern North Carolina, Lewisville, lost their fire truck due to flooding caused by the hurricane. Chief Murray had spoken to the fire chief of Lewisville regarding the lost of the fire truck and suggested that the Town of Carrboro could possibly help with the situation. The Town of Carrboro declared a 1974 Ford Howe HR-102 Fire Truck as surplus property to be disposed of. Chief Murray presented a resolution that authorizes the removal of the fire truck from the surplus sales list and authorizes the staff to investigate options of conveying the fire truck to the Town of Lewisville.

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

A RESOLUTION AUTHORIZING THE TOWN TO REMOVE A FIRE TRUCK FROM SURPLUS SALE

WHEREAS, the Board of Alderman authorized the Town to dispose of certain items of surplus property by passing resolution #47/98-99.

WHEREAS, Hurricane Floyd devastated much of eastern North Carolina, and

WHEREAS, the Town wishes to consider loaning or otherwise conveying an item, one (1) 1974 Ford Howe Fire Truck, previously declared surplus, and

WHEREAS, the Town must remove this item from intended surplus sale.

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

Section 1. The following item of Town personal property was declared surplus:

1974 Ford Howe HR-102 Fire Truck (Serial Number D80CVT45639)

Section 2. The Town Manager shall be and is hereby authorized to remove the item from surplus sale.

Section 3. Town Staff (Town Manager, Town Attorney, Purchasing Officer, and Fire Chief) is authorized to investigate methods/procedures to loan, sale, and/or conveying the fire truck to a Hurricane Floyd impacted jurisdiction.

Section 4. This resolution shall become effective upon adoption.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of September, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell

Chief Murray stated that residents in the Heritage Hills Subdivision are experiencing flood conditions.

Alderman Zaffron asked that staff contact federal agencies (FEMA, etc.) to seek financial assistance for the residents of the Heritage Hills Subdivision.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE THE SEPTEMBER 14, 1999 MINUTES WITH A NOTED CHANGE. VOTE: AFFIRMATIVE ALL.

REQUEST TO ADOPT A RESOLUTION TO AWARD A WEAPON TO RETIRING POLICE SUPERVISOR

Police Supervisor Ronald Holmes will retire from the Carrboro Police Department on October 1, 1999 after nearly 29 years of service. The Police Department would like to award Sergeant Holmes his service side arm to recognize his dedication to duty and his service to the Town of Carrboro.

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

A RESOLUTION AWARDING A SERVICE SIDE ARM TO RETIRING POLICE SUPERVISOR Resolution No. 36/1999-2000

WHEREAS, Sergeant Ronald L. Holmes is retiring from the Town of Carrboro Police Department on October 1, 1999 after nearly 29 years of service; and

WHEREAS, Sergeant Ronald L. Holmes has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

WHEREAS, North Carolina General Statute 20-187.2 allows the governing body of a law-enforcement agency to award to a retiring member, upon request, the service side arm of the retiring member, at a price determined by the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt this resolution awarding the service side arm to Sergeant Ronald L. Holmes.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of September, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell

REPORTS TO MAYOR AND BOARD OF ALDERMEN

The Mayor and the Aldermen received the following reports:

Partial Refund of Permit Fees to Joyce Preslar

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO PROVIDE THE REFUND TO MS. PRESLAR PER STAFF RECOMMENDATION. VOTE: AYES 6 (Zaffron, Broun, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Caldwell).

Request for Earlier Notification of S.U.P. and C.U.P. Projects

JOINT PUBLIC HEARING/DESIGNATION OF OLD PITTSBORO ROAD NEIGHBORHOOD PRESERVATION DISTRICT

In response to a request from citizens in the Old Pittsboro Road area and the direction of the Board of Aldermen, staff prepared a proposal for the establishment of an Neighborhood Preservation District (NPD) in the Old Pittsboro Road area. An ordinance that amends the town's Official Zoning Map to place the NPD overlay zone on the properties within the proposed boundary for the Old Pittsboro Road district was prepared should the Board wish to proceed with the designation. A public hearing must be held to receive public comment prior to the Board of Aldermen's deliberation and vote on the designation of the Old Pittsboro Road NPD.

Patricia McGuire, town planner, made the staff presentation and reviewed the administration's recommendation.

The Mayor and Board of Aldermen received written input from the following citizens:

CITIZEN'S NAME	CITIZEN'S ADDRESS	CITIZEN'S COMMENTS
E. Jane Burns	406 S. Greensboro Street	Supports the NPD designation
Stephanie A. Fairweather	303 S. Greensboro Street	Supports the NPD designation

Jim Cole, co-owner of the Rocky Brook Trailer Park, requested that the mobile home property be removed from the proposed neighborhood preservation district zoning designation.

Richard Taylor, Appearance Commission member, stated that the Appearance Commission recommends that the mobile home park property be included in the proposed zoning designation because the property fronts Old Pittsboro Road and the proposed zoning designation should include the entire area along Old Pittsboro Road.

Sophia Piesse, Appearance Commission member, stated that the mobile home park property should be included in the proposed zoning designation because if the property is ever sole, any uses of the property should conform to the neighborhood preservation district zoning designation.

Susan Smith read E. Jane Burns's letter and footnoted Ms. Burns's comments.

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

The Board discussed this matter and voiced concern regarding the impact of the proposed zoning designation on the mobile home park property.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JOAL HALL BROUN THAT THE BOARD OF ALDERMEN:

1. Supports, in principle, the proposed Neighborhood Preservation District zoning designation of the entire area, including the mobile home park property.

- 2. Supports a "to-be-drafted" Land Use Ordinance text amendment that exempts mobile homes in a trailer park from the neighborhood preservation zoning district regulations.
- 3. Acknowledges that the "to-be-drafted" text amendment will be considered at a public hearing to be scheduled.
- 4. Understands that the proposed zoning designation will become effective upon the completion of, the board-review of, and the board-adoption of the manual.
- 5. Encourages staff to complete the manual as soon as possible for Board action.

VOTE: AFFIRMATIVE ALL.

LAND USE ORDINANCE TEXT AMENDMENT OF PROVISIONS RELATING TO THE GENERAL LAYOUT OF STREETS

The use of the word "road" in subsection 15-217(a) of the Land Use Ordinance is inconsistent with that word's definition and other ordinance provisions. An ordinance amendment was proposed by the staff to correct this inconsistency by substituting the word "street" for "road". The Board of Aldermen must receive public comment on the proposed amendment to the text of the Land Use Ordinance. The administration recommends adoption of the proposed ordinance.

Patricia McGuire, town planner, made the staff presentation and reviewed the administration's recommendation.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO THE GENERAL LAYOUT OF STREETS". VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO PUBLIC HEARING NOTICES FOR SPECIAL AND CONDITIONAL USE PERMITS

An ordinance was proposed that would increase the notification requirement of adjacent property owners to sites requesting special use permits from 150 feet to 500 feet. The proposed amendment is in response to the Board of Aldermen's request. Staff noted the need to revise the requirements for publishing notices for hearings on conditional use permits. The administration recommends that the Board of Aldermen continues this public hearing and delay deliberation of the proposed ordinance until the advisory boards conclude their reviews.

Patricia McGuire, town planner, made the staff presentation explaining the proposed Land Use Ordinance text amendment and reviewed the administration's recommendation.

Jackie Allen voiced support of the proposed changes.

The Board directed staff to:

- ✓ Work with Jackie Hayes regarding the possibility of using the website, "carrboro.com", as an advertising medium of Town activities.
- ✓ Use a material for the new signs that will be more durable than the presently used heavy duty card stock paper.
- ✓ Produce the new signs in English and Spanish.

By consensus, the Mayor and Board of Aldermen continued the public hearing until October 12, 1999.

REPORT ON WATER AND SEWER MANAGEMENT, PLANNING BOUNDARY AGREEMENT

Moses Carey, Jr., Chair of the Water and Sewer Boundary Task Force, transmitted the final version of the "Water and Sewer Management, Planning and Boundary Agreement" for consideration by the Board of Aldermen. The administration recommends adoption of a resolution that refers the proposed agreement to staff and the Town Attorney for review and recommendation on November 9, 1999.

Roy Williford, Planning Director, made the staff presentation explaining the proposed agreement and reviewed the administration's recommendation.

The Board voiced concern that the Town of Hillsborough has concerns about the proposed agreement and has shown reluctance in supporting the proposed agreement. The Board also voiced interest in receiving input from Chatham County regarding this matter.

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

A RESOLUTION REFERRING THE PROPOSED "WATER AND SEWER MANAGEMENT PLANNING AND BOUNDARY AGREEMENT Resolution No. 37/1999-2000

WHEREAS, the elected boards of Orange County, Chapel Hill, Carrboro, and Hillsborough and the appointed Orange Water and Sewer Authority created a Water and Sewer Boundary Task Force in April of 1994.

WHEREAS, the Task Force has completed its work and requests consideration by the Carrboro Board of Aldermen.

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

- Section 1. That the Board receives the proposed "Water and Sewer Management, Planning and Boundary Agreement."
- Section 2. That the Board refers the proposed Agreement to the staff and town attorney for review and recommendation.
- Section 3. That the Board receives copies of any reports or supporting documentation that the elected officials of the Town of Hillsborough will review when they consider this matter.

Section 4. That the Board receives copies of any reports or supporting documentation that the elected officials of Chatham County will review when they consider this matter.

Section 5. That the Board of Aldermen is scheduled to consider this matter at its November 09, 1999 meeting; however, the Board will not consider this matter until the requested documentation cited in Sections 3 and 4 above are received.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of September, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell

A REQUEST TO ADOPT A RESOLUTION APPROVING A RECIPROCAL INSPECTIONS SERVICE AGREEMENT WITH ORANGE COUNTY

The Orange County Planning Department, due to a recent resignation, requested temporary inspection assistance from Carrboro. The administration recommends that the Board of Aldermen adopts a resolution that authorizes the town manager to sign an agreement for reciprocal inspection services between Orange County and Carrboro.

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Diana McDuffee.

A RESOLUTION APPROVING A RECIPROCAL AGREEMENT BETWEEN THE TOWN OF CARRBORO AND ORANGE COUNTY

Resolution No. 33/1999-2000

WHEREAS, the Town of Carrboro and Orange County desire to establish a reciprocal agreement to assist one another under extenuating circumstances; and

WHEREAS, the Town of Carrboro and Orange County are required by the State of North Carolina to perform and conduct the inspections of buildings according to specific certifications issued by the North Carolina Building Code Qualification Board; and

WHEREAS, Carrboro or Orange County may from time-to-time due to extenuating circumstances need assistance from one another to perform a specific type or level of inspections; and

WHEREAS, it is in the best interest of each jurisdiction to mutually cooperate to provide timely service to their citizens.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Town Manager is authorized to execute the attached agreement relating to the provision of inspection services to Orange County by Carrboro's Division of Inspections;

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 28th day of September, 1999.

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

Noes: None

Absent or Excused: Hilliard Caldwell

<u>A REQUEST TO ADOPT A RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT FOR SOLID WASTE MANAGEMENT</u>

The town received the final draft of the Agreement for Solid Waste Management from Orange County. Mayor Nelson requested authorization to execute this agreement on behalf of the town.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Allen Spalt.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR INTERLOCAL SOLID WASTE MANAGEMENT Resolution No. 34/1999-2000

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 September 7, 1999 approving the August 17st 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 1st draft of the Agreement; and

WHEREAS, the Orange County Board of Commissioners did not accept Carrboro's proposed modification to the Agreement.

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

Section 1. The Board hereby authorizes the Mayor to execute the August 17, 1999 version of the Interlocal Agreement for Solid Waste Management on behalf of the Town of Carrboro.

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 28th day of September, 1999.

AYES: Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

NOES: Joal Hall Broun, Alex Zaffron

ABSENT/EXCUSED: Hilliard Caldwell

BUS STOPS FOR SCHOOL KIDS

Jackie Hayes informed Alderman Zaffron that her children have to walk up Merritt Mill Road to Lincoln Center to board the school bus. Alderman Zaffron stated that he suggested that Ms. Hayes called the school system and inquires about school bus routing and where children are picked-up. Alderman Zaffron also asked the board members and staff to contact school officials regarding this matter.

Mayor Nelson requested that Alderman Zaffron distribute a copy of the email from Ms. Hayes regarding this matter to the Board and staff.

REPORT ON THE LAUREL AVENUE PARKING LOT

Alderman Spalt requested a brief report regarding the Laurel Avenue parking lot. He wants the report to include information regarding the overall cost of the project, the cost to the town, the engineering cost, and the problems that existed or developed while completing the project.

DRAINAGE PROBLEM AT 116 CAROL STREET

Alderman Spalt stated that a citizen residing at 116 Carol Street is experiencing substantial drainage problems. The resident requested that the town investigate this situation to determine if the town is possibly responsible for the drainage problems due to ditches or drainage swales. Alderman Spalt suggested that the town investigate the situation to make a determination of responsibility and once a determination is made; a conference with the citizen take place to make suggestions to address this matter.

ALDERMAN'S SPALT'S ABSENCE

Alderman Spalt informed the Board that he will be unable to attend the Joint Planning Public Hearing on October 13, 1999 to consider the establishment of consistent review time limits. Alderman Spalt stated that he opposes the proposal of extending the time for review.

CITY OF RALEIGH'S UNIT NUMBERING SYSTEM

Alderman Spalt stated that a citizen had complained to him regarding their difficulty in finding a specific apartment unit due to the unit numbering system used; additionally, Alderman Spalt stated that he had also

experienced difficulty in finding a unit in the Estes Park Apartment complex. He had an excerpted copy of the City of Raleigh's unit numbering procedure and referred it to staff for review and comment.

MEETING WITH THE ACTING CHANCELLOR

Alderman Broun informed the Board that she and Mayor Nelson met with the acting chancellor and felt that the meeting was productive. She stated that the following topics were discussed: the Horace Williams Tract, the airport committee, transportation issues, the issue of increased student population and its impact on affordable housing.

Alderman Spalt suggested that a copy of the "Trains to Carrboro" resolution, adopted by the Board last year, be forwarded to the acting chancellor.

HORACE WILLIAMS TRACT MEETINGS

Alderman Broun requested that whenever the Horace Williams Tract Committee meets, staff present a report regarding what is discussed.

MISSING STORM DRAINAGE COVER

Alderman Broun stated that a storm drain cover is missing at the intersection of Waterside and Spring Valley Drives and requested that staff investigate.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST THAT THE BOARD OF ALDERMEN GO INTO CLOSED SESSION. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE MEETING BE ADJOURNED AT 10:15 P.M. VOTE: AFFIRMATIVE ALL.

James E. Spivey, Deputy Town Clerk

Michael R. Nelson, Mayor