A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 12, 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 Alex Zaffron

Town Manager Robert W. Morgan
Town Clerk Sarah C. Williamson
Town Attorney Michael B. Brough

Absent:

Aldermen Hilliard Caldwell

Allen Spalt

TREE PLANTING PROJECT

Shay Tippens, a Carrboro resident, stated that he had chosen a millenium tree project as his Eagle Scouts project. Shay stated that he was asking for citizen volunteers to have trees planted in their yards.

REQUEST FOR EXAMINATION OF PROVISIONS OF THE LAND USE ORDINANCE

Greg Shepard, with Phillip Post and Associates, stated that he is working on Somerset South development, which is an affordable townhouse project. Mr. Shepard asked that the town examine the provisions of the land use ordinance dealing with subdivided versus unsubdivided developments with private versus public street access. In addition, Mr. Shepard asked if the town would consider allowing adjustments in the open space requirements if the entire project is affordable.

Alderman Broun asked for background on the rationale behind the present ordinance and potential problems if the issue was 10 condominiums or 50 condominiums with the same problem.

Alderman Zaffron asked that the town staff examine the land use ordinance to determine whether there could be some accommodation for small projects like the Somerset South development consistent with the ordinance provisions as they apply to larger developments.

Alderman Broun asked for potential problems if the open space requirement was altered.

PRESENTATION OF RESOLUTION TO STURDIVANT FAMILY

Mayor Nelson presented a resolution expressing appreciation to Grady Sturdivant to Mr. Sturdivants' current wife.

PROCLAMATION ISSUED

Mayor Nelson presented a proclamation to Tim Miles proclaiming the Month of October 1999 as Disabilities Employment Awareness Month.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE OCTOBER 5, 1999 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CALDWELL, SPALT)

A REQUEST TO ADOPT A RESOLUTION DESIGNATING AGENT OF TOWN TO EXECUTE APPLICATION FOR FEDERAL EMERGENCY MANAGEMENT ASSISTANCE

On September 15, 1999, Hurricane Floyd hit the Triangle Area of North Carolina. As a result, Orange County and all the municipalities within, including the Town of Carrboro, are eligible for disaster relief. As part of the process for receiving disaster funds, the Board must approve a resolution designating an agent to act on behalf of the Town in applying for the funds. The Board was requested to adopt a resolution authorizing Assistant Town Manager L. Bingham Roenigk as the Town's agent.

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

A RESOLUTION DESIGNATING APPLICANT'S AGENT TO APPLY FOR FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT Resolution No. 45/1999-2000

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. L. Bingham Roenigk, the Town's Assistant Town Manager, is hereby authorized to execute for and in behalf of the Town of Carrboro, a public entity established under the laws of the State of North Carolina, an application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

Section 2. The Town of Carrboro, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements as set forth in the attached.

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 12th day of October, 1999:

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

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Noes: None

Absent or Excused: Hilliard Caldwell, Allen Spalt

A REQUEST TO SET A PUBLIC HEARING FOR CARRBORO'S 2000 – 2002 MUNICIPAL TIP

The N.C. Department of Transportation (NCDOT) has begun the new Biennial State Transportation Improvement Program (TIP) process. This means that the Board of Transportation will adopt a new TIP at the end of two years instead of at the end of one year. NCDOT is requesting that the local governments and their respective metropolitan planning organizations begin the biennial process by updating their project lists. Should the Mayor and Board of Aldermen wish to proceed with any action on this matter, the administration recommends that a resolution be adopted which sets a public hearing for October 26, 1999 and that the draft TIP be submitted for public comment.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE 2000 – 2002 MUNICIPAL TRANSPORTATION IMPROVEMENT PROGRAM

Resolution No. 40/1999-2000

WHEREAS, the North Carolina Department of Transportation has determined that municipalities and metropolitan planning organizations will institute a biennial process to adopt a State Transportation Improvement Program; and

WHEREAS, the State Transportation Improvement Program is a list of selected transportation projects from Carrboro and other municipalities and metropolitan planning organizations throughout North Carolina:

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that a public hearing be called for Tuesday, October 26, 1999 to consider adopting the "2000 – 2002 Municipal Transportation Improvement Program"

BE IT FURTHER RESOLVED that the draft Municipal Transportation Improvement Program be available for public review and comment from October 13, 1999 through October 26, 1999.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of October, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell, Allen Spalt

Alderman McDuffee requested background information on each project including information on how each project was placed on the TIP. In addition, Alderman McDuffee requested that copies of the TIP be distributed to the members of the Board of Alderman.

A RESOLUTION MAKING AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD

The Chair of the Transportation Advisory Board recommended that Chris van Hasselt be appointed to the TAB. The administration requested that the Board consider adopting the attached resolution making this appointment.

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

A RESOLUTION APPOINTING CHRIS VAN HASSELT TO THE TRANSPORTATION ADVISORY BOARD Resolution No. 411999-2000

WHEREAS, there is currently one vacant seat on the Transportation Advisory Board (TAB); and

WHEREAS, this position has been advertised and Mr. Chris van Hasselt has submitted an application; and

WHEREAS, Mr. van Hasselt's application was forwarded to the Chair of the TAB for consideration; and

WHEREAS, Neal Mochel, Chair of the TAB, has reviewed Mr. van Hasselt's application and is recommending that he be appointed to the vacant seat on the TAB.

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

Section 1. The Board of Aldermen hereby appoints Mr. Chris van Hasselt to a seat on the Transportation Advisory Board. Mr. van Hasselt's term shall expire in February 2002.

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 12th day of October, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell, Allen Spalt

A REQUEST TO ADOPT A BUDGET ORDINANCE FOR TRANSFER OF CONTINGENCY FUNDS TO THE FIRE DEPARTMENT CAMERA FUND

The purpose of this agenda item was to amend the 1999-2000 budget to transfer funds from contingency to the Fire Department Camera Fund. The Board of Aldermen, at its regular meeting of September 28, 1999, made a motion to donate \$5,000 in the memory of Mr. Eric Crabtree, a retired firefighter and the father of Sarah C. Williamson, Town Clerk and Robbie Crabtree, a Carrboro fireman, for a thermal imaging camera for the Carrboro Fire Department.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY 1999-2000 BUDGET ORDINANCE". VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CALDWELL, SPALT)

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

A RESOLUTION DONATING \$5,000 TO THE CARRBORO FIRE DEPARTMENT IN HONOR OF ERIC DALLAS CRABTREE Resolution # 38/1999-2000

WHEREAS, Eric Dallas "Crickett" Crabtree was a dedicated firefighter and showed a strong, positive influence in the fire service; and

WHEREAS, Crickett served sixteen years with the Chapel Hill Fire Department, retiring with the rank of Captain; and

WHEREAS, Crickett influenced many people to pursue careers in public service, including his two sons, Robbie and Ray, and one of his grandsons, Larry Mann. Robbie and Larry are both Carrboro firefighters. In addition, one of his daughters, Sarah Williamson, is Carrboro's Town Clerk; and

WHEREAS, Crickett was a dedicated family man who loved the outdoors; was an avid fisherman, and a genuinely caring person; and

WHEREAS, Crickett provided assistance to the sick and less fortunate and was widely known for sharing the produce of his gardens; and

WHEREAS, all who knew Mr. Crabtree acknowledge his dedication to fire service, his love of his family, his caring nature, and his commitment to the community.

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

- SECTION 1. On behalf of the citizens of the Town of Carrboro, the Board of Aldermen hereby expresses its condolence to the Crabtree Family at the loss of a loved one.
- SECTION 2. The Board of Aldermen shall donate \$5,000 to the Carrboro Fire Department in the name of Eric Dallas "Crickett" Crabtree.
- SECTION 3. The \$5,000 donation shall be used to assist the efforts of the Carrboro Fire Department in purchasing a thermal imaging camera.
- SECTION 4. This resolution shall be entered into the Board's official minutes and a copy shall be presented to the Crabtree Family.
 - SECTION 5. 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 12th day of October, 1999:

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

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Noes: None

Absent or Excused: Hilliard Caldwell, Allen Spalt

PUBLIC HEARING/CONTINUATION OF PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO PUBLIC HEARING NOTICES FOR SPECIAL AND CONDITIONAL USE PERMITS

An ordinance has been drafted that would increase the notification requirement of adjacent property owners to sites requesting special use permits from 150 feet to 500 feet. This amendment has been proposed in response to the Board of Aldermen's request. Staff has also noted the need to revise the requirements for publishing notices for hearings on conditional use permits. The administration recommended that the Board of Aldermen adopt the draft ordinance.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. AFFIRMATIVE FIVE, ABSENT TWO (CALDWELL, SPALT)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCUDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO INCREASE THE NOTIFICATION DISTANCE OF ADJACENT PROPERTY OWNERS FROM 150 FEET TO 500 FEET FOR DEVELOPMENTS REQUIRING SPECIAL USE PERMITS AND TO PROVIDE THAT NOTICES FOR CONDITIONAL USE PERMITS SHALL BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE CARRBORO AREA." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CALDWELL, SPALT)

REVIEW OF THE REPORT ON VERNACULAR ARCHITECTURAL STANDARDS REVIEW PROCESS

During a review of a proposed process to review the Vernacular Architectural Standards (VAS) on September 7, 1999, the Board of Aldermen requested additional information. The staff has expanded the information on the proposal to establish a steering committee to review the standards. The Board may wish to consider a resolution, which directs staff to proceed with the initiation of this process. However, the administration recommended that the Board of Aldermen take no action on this issue at the present time in order to allow a period of time for the VAS to be "tested" before any changes are proposed.

Trish McGuire made the presentation.

MOTION WAS MADE BY JACQUELYN GIST TO ADOPT THE RESOLUTION ESTABLISHING A PROCESS TO REVIEW THE VERNACULAR ARCHITECTURAL STANDARDS. (MOTION DIED FOR THE LACK OF A SECOND.)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

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A RESOLUTION ESTABLISHING A PROCESS TO REVIEW THE VERNACULAR ARCHITECTURAL STANDARDS

Resolution No. 26/1999-2000

WHEREAS, the Carrboro Board of Aldermen recognizes the need to further consider the Vernacular Architectural Standards.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen establishes the following steps for implementation of a process that will involve citizens, advisory board members and an Alderman liaison in the review of the Vernacular Architectural Standards:

- 1. The Board of Aldermen holds a worksession to review the vernacular architectural standards.
- 2. The Board of Aldermen selects an Alderman liaison and directs staff to request a representative from the Planning Board, Appearance Commission, and Northern Transition Area Advisory Committee (if possible). These members form the core group of a VAS steering committee.
- 3. The Board of Aldermen directs staff to advertise and possibly utilize a direct mailing, to request citizen and building/development representatives for the committee and selects representative(s) from among the applications received.

With the Planning Board representative serving as chair, the planning staff coordinates meetings of VAS steering committee. The scope of the committee's review shall be confined to reviewing the content of the VAS and shall not include the applicability of those standards to various types of development.

- 1. This process is to be completed in five months, following the appointment of citizen representatives (by early April 2000).
- 2. The planning staff prepares a report and coordinates the scheduling of a worksession with the Board of Aldermen to review the steering committee's findings.
- 3. The planning staff revises the standards, if desired, and coordinates scheduling of Board review and adoption of the standards and text amendments (if needed.).
- 4. The Board of Aldermen considers the revised standards and associated text amendments and, if desired, sets a public hearing and refers the standards for advisory board and Orange County review.
- 5. The Board takes action on the revised architectural standards.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of October, 1999:

Ayes: Joal Hall Broun, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: Jacquelyn Gist

Absent or Excused: Hilliard Caldwell, Allen Spalt

Alderman McDuffee requested that Frances Shetley be included on the list of citizens who have commented on the vernacular architectural standards.

REPORT AND REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO LIMIT THE EXPANSION OF BED AND BREAKFASTS

In conjunction with the Board's establishment of a Bed and Breakfast use in late June, the Board requested additional information on one component of the ordinance that limited the expansion of any structures used for this purpose. A report has been prepared on this matter. Should the Board wish to consider including such a limitation in the provisions affecting bed and breakfasts, a resolution has been prepared that will, upon adoption, sets a public hearing for November 16, 1999. However, the administration recommended that the Board leave the existing ordinance provisions as they are and take no further action on this matter.

Trish McGuire made the presentation.

The Board took no action on this matter.

A REPORT ON ENFORCEMENT PROCESSES AND PROCEDURES ASSOCIATED WITH VIOLATIONS OF THE LAND USE ORDINANCE AND DEVELOPMENT PERMITS

At its 1999 retreat, the Board of Aldermen requested the Planning Department to outline the enforcement processes and procedures used to regulate development projects and permits within the town. This information is in support of Goal #2 from the retreat. The purpose of Goal #2 is to: "Provide effective, efficient and responsible government." The Zoning Division prepared a report using current administrative policies of the Division and the provisions for enforcement contained in the Land Use Ordinance. This report outlines the processes and procedures currently used for enforcing violations of the land use ordinance and development permits and provides some suggestions for improving the town's enforcement efforts.

Chris Murphy, the town's Development Review Administrator, made the presentation.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION ACCEPTING THE REPORT ENTITLED:
"REPORT ON ENFORCEMENT PROCESSES AND PROCEDURES
ASSOCIATED WITH VIOLATIONS OF THE LAND USE ORDINANCE
AND DEVELOPMENT PERMITS"
Resolution No. 42/1999/2000

BE IT RESOLVED by the Aldermen of the Town of Carrboro that the Aldermen accept the report entitled:

"Report on Enforcement Processes and Procedures Associated with Violations of the Land Use Ordinance and Development Permits"

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of October, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell, Allen Spalt

REPORT ON DESIGNATION OF SCHOOL SITES

On Thursday, July 15, 1999 the Chapel Hill-Carrboro School Board adopted a resolution requesting the Town of Carrboro, Town of Chapel Hill and Orange County to take action that they deem appropriate to identify potential school sites (selected by the school board) in their respective land use plans. The purpose of this item was to consider the school board's request and to review the staff's response.

Roy Williford, the town's Planning Director, made the presentation.

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

A RESOLUTION REGARDING A REQUEST TO DESIGNATE AND RESERVE SCHOOL SITES Resolution No. 43/1999-2000

WHEREAS, the Chapel Hill-Carrboro School Board has requested the Town of Carrboro to consider designating potential school sites on local plans;

WHEREAS, the Town of Carrboro has included a potential school site area within the "Facilitated Small Area Plan for Carrboro's Northern Study Area".

WHEREAS, the Chapel Hill-Carrboro City Schools may pursue their school site acquisition interest upon notification through the development review process;

WHEREAS, the Chapel Hill-Carrboro School Board has requested the Town of Carrboro, the Town of Chapel Hill and Orange County to consider the use of the Greene tract as a potential school site; and

WHEREAS, the designation of the Greene tract as a school site will require mutual agreement by all three governing boards;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Chapel Hill-Carrboro School Board may wish to consider approaching the owners of the Greene Tract collectively and utilize the Joint Planning Process with regard to their desire to reserve the Greene Tract.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of October, 1999:

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

Noes: None

Absent or Excused: Hilliard Caldwell, Allen Spalt

ASSISTANCE TO TARRBORO

Mike Brough informed the Board that Tarrboro had declined the town's offer of assistance and suggested that the town's efforts be directed towards smaller eastern communities.

Mr. Morgan stated that Orange County would be coordinating resources for the smaller communities.

SELECTIVE PURCHASING SUIT

Mike Brough stated that several months ago the town joined in a brief before the First Circuit Court of Appeals regarding the Massachusetts statute regarding selective purchasing that was declared unconstitutional in a federal court. The federal court has agreed with the district court and now the effort is being made to request the U.S. Supreme Court to hear the matter. Mr. Brough asked whether the town would like to have the Town of Carrboro added to the brief to request the Supreme Court to review this matter. Mr. Brough stated that there would be no cost to the town

It was the consensus of the Board to have the town's name added to the suit.

REQUEST FOR REPORT ON STORMWATER PROBLEMS AT OLD POPLAR VILLAGE

Alderman McDuffee asked for a report on this matter. The report should identify the problems and possible solutions.

REQUEST FOR REPORT ON CABLE T.V. FRANCHISE NEGOTIATIONS

Alderman Zaffron requested a status report on franchise negotiations and asked when programming will be updated.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:35 P.M. VOTE: AFFIRMATIVE ALL

Mayor

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