

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 14, 1999 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Dorosin
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

MERIT INCREASE FOR TOWN MANAGER

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALLEN SPALT TO GRANT THE TOWN MANAGER A 2 1/2% MERIT INCREASE. VOTE: AFFIRMATIVE ALL

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEN SPALT AND SECONDED BY ALEX ZAFFRON TO APPROVE THE DECEMBER 7, 1999 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW STREET AND PEDESTRIAN FACILITIES TO CROSS FLOODWAYS

An engineering review of stormwater facilities and other infrastructure at the Lake Hogan Farms development revealed that a floodway crossing had been approved and constructed in conflict with town regulations and in the absence of FEMA approval. A land use ordinance text amendment was prepared that will allow streets, pedestrian and bicycle paths in floodways and clarify that all permitted floodway uses must be consistent with FEMA regulations. A resolution directing staff to distribute the draft ordinance for advisory board and Orange County review and setting a public hearing for February 1, 2000 was submitted for consideration, should the Board of Aldermen wish to proceed with this recommended change.

The Board delayed consideration of this matter and requested that the Agenda Planning Committee schedule it for Board discussion at a later date.

REQUEST TO CANCEL JANUARY 4TH BOARD MEETING

The Board of Aldermen was requested to consider canceling its regular meeting scheduled for January 4, 2000.

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Alex Zaffron.

A RESOLUTION CANCELING THE JANUARY 4, 2000
MEETING OF THE CARRBORO BOARD OF ALDERMEN
Resolution No. 84/1999-2000

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the January 4, 2000 meeting of the Carrboro Board of Aldermen is hereby canceled due to the lack of scheduled agenda items.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of December, 1999:

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

Noes: None

Absent or Excused: None

**REQUEST TO SET A PUBLIC HEARING/VOLUNTARY ANNEXATION/PHASE V-SECTION A/
LAKE HOGAN FARMS SUBDIVISION**

Michael Dean Chadwick, representing Bolin Creek Investments LLC, submitted a petition requesting the annexation of Phase V, Section A of the Lake Hogan Farms Subdivision. This section contains 3.25 acres and is referenced as Tax Map 109, Lot 2. The Board of Aldermen was requested to adopt a resolution setting a public hearing for January 11, 2000 on this request.

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Alex Zaffron.

**A RESOLUTION SETTING A PUBLIC HEARING
TO CONSIDER THE ANNEXATION OF
PHASE V, SECTION A OF THE LAKE HOGAN FARMS SUBDIVISION
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 85/1999-2000**

WHEREAS, the Town of Carrboro has received a petition from the owners of Phase V, Section A of the Lake Hogan Farms Subdivision requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on January 11, 2000 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill Herald at least ten (10) days prior to the date of the public hearing.

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 14th day of December, 1999:

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

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING FOR THE MILLERS BEND AT UNIVERSITY COMMONS CONDITIONAL USE PERMIT MAJOR MODIFICATION

Beaten Path Development, Inc. submitted an application for a conditional use permit (CUP) major modification to the University Commons CUP. The modification would add two additional buildings and twelve additional multi-family condominium units to the existing project. The administration recommended that the Board set a public hearing for January 18, 2000 to consider this major modification request.

The Board requested that the town staff convey to the developer that it has serious concerns about the combination of this development with the University Commons conditional use permit. In addition, the Board requested a report from the Town Attorney on this matter.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE
CONDITIONAL USE PERMIT MAJOR MODIFICATION
FOR THE MILLERS BEND AT UNIVERSITY COMMONS PROJECT
Resolution No. 87/1999-2000

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed conditional use permit and conditional use permit major modification projects; and

WHEREAS, an application has been received for a conditional use permit major modification for the Millers Bend at University Commons project.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on January 18, 2000 to consider the conditional use permit major modification request for the Millers Bend at University Commons project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: Diana McDuffee

Absent or Excused: None

Alderman Zaffron requested that public notices be mailed out prior to the required notification date to give advance notice of this public hearing.

A REQUEST TO ADOPT A BUDGET ORDINANCE TO TRANSFER CONTINGENCY FUNDS TO GOVERNMENTAL SUPPORT FOR EMPOWERMENT, INC.

The Board was requested to adopt a budget ordinance transferring \$6,000 from contingency to the Governance Support Cost Center for Empowerment, Inc. to support the Midway Business Center incubator project.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, “ AN ORDINANCE AMENDING FY’1999-2000 BUDGET ORDINANCE.”
VOTE: AFFIRMATIVE ALL

CHARGE ISSUED

The Town Clerk issued a charge to Charles Morton, a recent appointee to the Appearance Commission.

HOLIDAY DECORATIONS CONTEST WINNERS

Mayor Nelson read the names of the Holiday Decorations Contest winners for 1999. They were:

Derek and Joan Duffield	214 Cates Farm Road
Jeffrey and Susan Walton	101 Dairy Court
Lemuel and Beth Henderson	305 Hillsborough Road
Mitch and Ellen Virchick	214 Maple Avenue
David Kitzmiller	106 Hanna Street
Jane Touhey	101 Highway 54 Bypass, Apt. F-8
Jim and Linda Manor	100 Webb Drive
Steve and Kathryn Slezak	203 Wyndham Drive
Mabel Riggsbee	304 Hillsborough Road
Henri Riggsbee	104 Watters Road

REQUEST TO PLANT A LIVE CHRISTMAS TREE AT TOWN HALL

Alderman Dorosin stated that he had talked with Leif Larson (the 5th grader at Carrboro Elementary School who submitted a letter requesting that a live tree be planted on the front lawn of Town Hall for use as the town’s Christmas tree) concerning his request. Alderman Dorosin stated that he and Leif would be requesting that local businesses donate a tree and that the planting of the tree would be scheduled to coincide with next year’s Arbor Day celebration.

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/WATER STORAGE TANKS IN R-R ZONING DISTRICT

An ordinance was drafted that establishes “water storage towers” as a permissible use and provides associated siting and dimensional regulations. This amendment was proposed as follow up to a Board of Aldermen request to evaluate regulations associated with water storage towers. In the course of that review staff determined that water storage towers are not permissible within the R-R zoning district which is the designated zoning for a parcel that has been purchased by OWASA for siting a new elevated water storage tank. The administration recommended that the Board adopt, in part, the ordinance that was prepared to address this issue.

Trish McGuire, the town’s Planning Administrator, made the presentation and answered the Board’s questions.

Ed Kerwin, Executive Director of OWASA, stated that OWASA supports the staff’s recommended change to the ordinance. Mr. Kerwin stated that the proposed tank would be approximately 150 feet high and that he doesn’t anticipate having to construct an additional tank in the near future, but would like to keep the option open in case it becomes necessary to construct another tank.

Andy Lauber asked what the restrictions are on the water tower, what shape would it be, restrictions on lighting, restrictions on putting a cell tower on top of it. Mr. Lauber stated that he had heard from people that cell towers interfere with television reception.

Mr. Kerwin stated that there is flexibility on the shape of the ball at the top of tower as long as it has one million-gallon capacity. Cell towers and antennas have been successfully put on top of existing water towers and provide substantial yearly revenue for OWASA. The FAA governs lighting on the tank.

Mike Brough stated that the land use ordinance has a standard that has to be addressed relating to interference.

Jean Earnhardt asked whether there is an option to have the tank on the ground. Ms. Earnhardt asked that OWASA fly a balloon at the height that the proposed tower would be. Ms. Earnhardt asked whether there are options for a paint color.

Mr. Kerwin stated that there is not a viable economic alternative to have the tank on the ground. Mr. Kerwin stated that they would be happy to fly the balloon as requested. Mr. Kerwin stated that they would be completely open to a paint color.

Jay Bryan suggested that the Board spend more up front time on this matter and refer it to the Appearance Commission and Northern Transition Advisory Board. Mr. Bryan suggested that a change in the elevation of the tower be made. Mr. Bryan stated that a tower in the proposed location would be seen from a long distance. Mr. Bryan stated that it is unclear what lighting there will be. Mr. Bryan stated that he would support as much buffer as possible. Mr. Bryan suggested that the town put restrictions on putting cell towers on top of the tower. Mr. Bryan suggested that Section 6(b) be amended to read: Water storage tanks shall be located and constructed so as to minimize visual obtrusiveness.” In addition, Mr. Bryan requested that Section 6(c) remain written as proposed in the ordinance.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to refer this ordinance to Environmental Advisory Board, Northern Transition Area Advisory Committee and Appearance Commission with the request for the following information: site-specific analysis on the implications of setbacks, screening, tree preservation, preferred location of the tower,

alternative engineering solutions, including heights; the implications of OWASA's long-range plans for additional needs in the Northern Study Area; and, the economic impact.

REPORT FROM OWASA REPRESENTATIVES

The town's OWASA representatives, Susie Holloway and John Smith, were present to discuss items of importance to the town relating to OWASA.

Mr. Smith stated that OWASA is currently working on the following major tasks:

- Developing the OWASA Comprehensive Water/Sewer Master Plan
- Developing conservation rates
- Expanding the Mason Farm Wastewater Treatment Plan
- Acquiring lands in the Cane Creek watershed to control and improve the quality of raw water

Ms. Holloway stated that OWASA would like to use the American Stone Quarry and that a public hearing is scheduled for the spring of 2000 on this matter.

Alderman Gist requested that OWASA leave both lakes open year round and suggested that the towns and county share in the cost of keeping the lakes open.

FOLLOW UP DISCUSSION/USE OF JORDAN LAKE WATER

The Mayor and Board of Aldermen attended a regional meeting hosted by Chatham County to discuss use of Jordan Lake Water. The Board requested that the Agenda Planning Committee schedule a time for the Board to discuss this topic. The purpose of this item was to provide an opportunity for the Board to conduct this discussion.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ASK THE TOWN'S OWASA REPRESENTATIVES TO SUPPORT CHATHAM COUNTY'S REQUEST FOR ACCESS TO JORDAN LAKE AND THAT THEY SHOULD BE FREE TO PURSUE ANY AVAILABLE OPTIONS AND CHOOSE THE OPTION THAT IS IN THEIR BEST INTEREST. VOTE: AFFIRMATIVE ALL

A REPORT ON WATER AND SEWER MANAGEMENT, PLANNING AND BOUNDARY AGREEMENT

On September 28, 1999 the Board of Aldermen received a report on the Orange County "Water and Sewer Management, Planning and Boundary Agreement". The purpose of this item was to present a staff recommendation and supporting documentation from Chatham County and the Town of Hillsborough as requested by the Board.

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

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY ALEX ZAFFRON TO SEND A LETTER TO MOSES CAREY, CHAIR OF THE WATER AND SEWER BOUNDARY TASK FORCE,

STATING THAT THE TOWN DOES NOT ACCEPT THE PROPOSED AGREEMENT, BUT THAT THE TOWN IS IN SUPPORT OF WORKING OUT THE OWASA BOUNDARY AGREEMENT ISSUE WITH HILLSBOROUGH. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, SPALT)

AMENDMENTS TO PERSONNEL ORDINANCE

Staff recommended several amendments to Chapter 4 of the Town Code (Personnel Policies) to bring it up-to-date. The purpose of this item was to present these changes to the Board of Aldermen for consideration.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING SECTION FOUR OF THE CARRBORO TOWN CODE TO BRING IT UP-TO-DATE.” VOTE: AFFIRMATIVE ALL

APPOINTMENT OF MAYOR PRO TEM AND BOARD COMMITTEE ASSIGNMENTS

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROWN TO APPOINT JACQUELYN GIST AS MAYOR PRO TEM. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO MAKE THE FOLLOWING COMMITTEE APPOINTMENTS:

Committee	Member(s) Assigned
AGENDA PLANNING COMMITTEE	Broun Nelson Zaffron
TRIANGLE J COUNCIL OF GOVERNMENTS	Zaffron Broun (Alternate)
TRANSPORTATION ADVISORY COMMITTEE (TAC)	Zaffron Dorosin (Alternate)
BOARD OF ADJUSTMENT	Spalt
PLANNING BOARD	McDuffee
APPEARANCE COMMISSION/NPD	Broun
TRANSPORTATION ADVISORY BOARD	Zaffron
RECREATION AND PARKS COMMISSION	Gist
CABLE T.V. COMMITTEE	Dorosin
HUMAN SERVICES COMMISSION	Dorosin Gist
DOWNTOWN DEVELOPMENT COMMISSION	Zaffron
CEMETERY COMMISSION	Broun
ANIMAL CONTROL BOARD OF APPEALS	Dorosin Gist (Alternate)
BUDGET REVIEW COMMITTEE	Dorosin
ENVIRONMENTAL ADVISORY BOARD	Spalt
ARTS COMMITTEE	Nelson

SHAPING ORANGE COUNTY STEERING COMMITTEE	Gist
O.C. ECONOMIC DEVELOPMENT COMMISSION	Zaffron Broun (Alternate)
O.C. SCHOOL AND LAND USE COUNCIL	McDuffee Spalt
N.C. COALITION FOR PUBLIC TRANSPORTATION	Zaffron
ORANGE COUNTY SOCCER SYMPOSIUM TASK FORCE	McDuffee
AIRPORT ADVISORY COMMITTEE	McDuffee

VOTE: AFFIRMATIVE ALL

PTA THRIFT SHOP ART COLLECTION

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO ACCEPT THE PTA THRIFT SHOP ART COLLECTION TO BE HUNG IN THE COMMUNITY CENTER AND TOWN HALL. VOTE: AFFIRMATIVE ALL

REQUEST FOR SETBACK REQUIREMENTS

The Board requested that the town staff review the setbacks for Francis Chan’s lot located on Merritt Mill Road (the former Mason’s Motel) to determine if the setbacks could be reduced.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 11:08 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk