

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 7, 2000 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
	Allen Spalt (arrived at 8:00 p.m.)
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Diana McDuffee
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APPROVAL OF MINUTES OF PREVIOUS MEETING: FEBRUARY 22, 2000

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE FEBRUARY 22, 1999 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, SPALT)

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**A RESOLUTION MAKING AN APPOINTMENT TO THE APPEARANCE COMMISSION/ NPDC**

The Chair of the Appearance Commission/Neighborhood Preservation District Commission recommended that Catherine Grimball be appointed to the Appearance Commission/NPDC. The administration requested that the Board consider adopting the resolution making this appointment.

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

A RESOLUTION APPOINTING CATHERINE GRIMBALL  
TO THE APPEARANCE COMMISSION/NPDC  
Resolution No. 114/1999-2000

WHEREAS, there are currently three vacant seats on the Appearance Commission/ Neighborhood Preservation District Commission; and

WHEREAS, these positions have been advertised and Ms. Catherine Grimball has submitted an application; and

WHEREAS, Ms. Grimball's application was forwarded to the Chair of the Appearance Commission/NPDC for consideration; and

WHEREAS, Sophie Piesse, Chair of the Appearance Commission/NPDC, has reviewed Ms. Grimball's application and is recommending that she be appointed to one of the vacant seats on the Appearance Commission/NPDC.

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

Section 1. The Board of Aldermen hereby appoints Catherine Grimball to a seat on the Appearance Commission/NPDC. Ms. Grimball's term shall expire in February 2003.

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 March, 2000:

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

Noes: None

Absent or Excused: Diana McDuffee, Allen Spalt

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**REQUEST TO SET A PUBLIC HEARING/VOLUNTARY ANNEXATION OF PHASE IV-C OF THE LAKE HOGAN FARMS SUBDIVISION**

Michael Dean Chadwick, representing Bolin Creek Investments LLC, submitted a petition requesting the annexation of Phase IV-C of the Lake Hogan Farms Subdivision. This phase contains 8.45 acres and is non-contiguous to the Carrboro town limits. The administration requested that the Board of Aldermen adopt a resolution setting a public hearing on this request for March 28, 2000.

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

**A RESOLUTION SETTING A PUBLIC HEARING  
TO CONSIDER THE ANNEXATION OF  
PHASE IV-C OF THE LAKE HOGAN FARMS SUBDIVISION  
UPON THE REQUEST OF THE PROPERTY OWNERS**

A. Resolution No.115 /1999-2000

WHEREAS, the Town of Carrboro has received a petition from the owners of Phase IV-C 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 March 28, 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 7th day of March, 2000:

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

Noes: None

Absent or Excused: Diana McDuffee, Allen Spalt

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**A REQUEST TO ADOPT A BUDGET ORDINANCE AMENDING THE REVOLVING LOAN FUND TO REFLECT THE CURRENT STATUS OF LOANS AND RESERVE**

The purpose of this item was to formally approve a budget ordinance to amend the Revolving Loan Fund to reflect the current status of loans and reserves in the fund. The Revolving Loan Fund is used to encourage community development in Carrboro by offering loans to new businesses, encouraging businesses to locate in Carrboro. Annually, the fund should be updated to reflect estimated annual interest and principal payments on loans from the various businesses. The budget ordinance reflects estimated revenues and expenditures through June 30, 2000.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, SPALT)

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**REQUEST FOR WORDING CHANGE/ROBERSON PLACE CUP MINOR MODIFICATION**

The Yaggy Corporation gained approval for a Minor Modification to the Roberson Place Conditional Use Permit (CUP) on January 11, 2000. The modification amended condition # 16 to allow the Phase 4 improvements, final plat and house construction to begin prior to the completion of the connection across the Rogers-Triem property. The applicant has requested that the wording of the condition be slightly modified to more accurately reflect the intent behind the approval. The administration recommended that the Board of Aldermen approve the requested wording change.

The Board delayed action on this matter until March 14th.

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**CHARGES ISSUED**

The Town Clerk issued the following charges for new board appointees:

- Leslie Rountree – Appearance Commission/Neighborhood Preservation District Commission
- Delvin Davis – Human Services Commission
- Merrilie Brown – Environmental Advisory Board

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**A PUBLIC HEARING TO OBTAIN COMMUNITY INPUT ON TOWN NEEDS AND BUDGET FOR FISCAL YEAR 2000-2001**

Annually, the Board of Aldermen adopts a budget, effective July 1<sup>st</sup> - June 30<sup>th</sup> for the Town. The Board, as part of its budget review, schedules a public hearing to receive comments from residents in the community regarding town services. These comments shall be considered in developing the FY2000-01 operating and capital budgets during the budget process. The Board was also requested to approve the FY2000-01 budget calendar that sets dates for future budget deliberations and allows community residents another opportunity to speak about town services in a public hearing in May.

Robert Dowling, Executive Director of Orange Community Housing Corp., requested an appropriation of \$18,000 from the town for next year.

John Herrera, representing El Centro Latino, requested the town's support for the Latino community.

Mauricio Castro, representing El Centro Latino, asked for the town's support in the upcoming budget.

Jackie Allen asked that the Board increase its contribution to the Orange County Animal Shelter to \$10,000.

Giles Blunden, representing the Environmental Advisory Board, requested that the EAB be provided staff.

Jay Bryan suggested made the following requests:

- That the town purchase a "How to Build Community" poster and consider attending workshops on community building.
- That the Neighborhood Forum and Northern Transition Area Advisory Committee receive funding in the amount of \$750.00
- That a revolving loan fund for facade improvements to downtown businesses be established, and that the town might have N.C. State students make recommendations for facade improvements.
- That the town provide funding of a study for protecting Bolin Creek
- That one of the town planners has a background in architectural design or that the town contract with an architectural firm on an as-needed basis.

[Alderman Spalt arrived at the meeting.]

Allison Weiner, Chair of the Orange County Land Trust, spoke in support of Orange Community Housing's increase in funding to support increase in staff support for the Land Trust.

James Morgan, representing the Downtown Development Commission, requested funding in the amount of \$17,000 for the downtown design charette.

Ruffin Slater spoke in support of funding for the downtown design charette. Mr. Slater urged the town to follow the recommendations of the Walkable Communities report.

Seth Elliott asked the Board to consider adopting a resolution encouraging TTA and NCDOT to reach an agreement to resolve issues before it is too late to receive federal funding this year for the TTA rail transit system.

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

**A RESOLUTION ADOPTING THE FY2000-01 BUDGET CALENDAR**  
Resolution No. 119/1999-2000

WHEREAS, the Carrboro Board of Aldermen have reviewed the FY2000-01 Budget Calendar;

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

Section 1. That the FY2000-01 Budget Calendar be adopted as follows:

<b>FY2000-01 BUDGET CALENDAR</b>	
Tuesday, April 25	Manager presents Recommended Budget to Board
Thursday, May 4	Board holds first budget worksession
Tuesday, May 9	Board holds public hearing on proposed budget
Thursday, May 11	Board holds second budget worksession
Tuesday, May 23	Report to Board on recommendations for Human Services Board directs Manager to prepare a revised budget
Tuesday, June 6	Board adopts FY2000-01 budget

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 March, 2000:

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

Noes: None

Absent or Excused: None

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**PUBLIC HEARING/A REPORT ON THE POSSIBLE CONNECTION OF AUTUMN DRIVE: A CONNECTION FROM THE BARINGTON HILLS SUBDIVISION TO THE WILLIAMS WOODS SUBDIVISION VIA AUTUMN DRIVE**

The purpose of this item was: (1) to give the Board of Aldermen a progress report on the proposed connection of Autumn Drive from the Barington Hills Subdivision to the Williams Woods Subdivision since the November 30, 1999 meeting; (2) to allow public review and comment on the Autumn Drive proposal; and (3) to recommend to the Board of Aldermen a proposal that addresses the goals of street connectivity.

Kenneth Withrow, the town's Transportation Planner, stated that the town staff recommended that the Board of Aldermen approve the Autumn Drive connection between the Barington Hills subdivision and the Williams Woods subdivision. That connection would include the following:

- ✓ The connection will consist of the "hooked" neckdown traffic-calming design with a 20-foot pavement cross section, and a five-foot sidewalk along the north side.
- ✓ Traffic control devices for this connection will include a three-way stop intersection at Stratford Drive and Autumn Drive, Downing Court and Autumn Drive, Autumn Drive and BaringtonHills Drive, and a four-way stop intersection at Barington Hills Drive and Bruton Drive.
- ✓ Traffic calming devices such as speed humps may be added to the Autumn Drive connection into the Barington Hills subdivision if traffic speeds warrant the use of such devices based on criteria established with the Board's adopted Residential Traffic Management Plan.

Neal Mochel, Chair of the TAB, presented the TAB's recommendation.

Adam Searing, Chair of the Planning Board, answered questions about the Planning Board's recommendation.

Tim Cummins, a resident of 101 Downing Court, spoke in opposition to the connection of Autumn Drive. Mr. Cummins stated that he feels the safety of pedestrians would be adversely affected. This connection would create a very hazardous situation.

Thomas Graham, a resident of 200 Bruton Drive, spoke in opposition to the connection of Autumn Drive. Mr. Graham stated that the connection would create a cut through situation.

Sharon Leavitt, a resident of 104 Canton Court, spoke in opposition to the Autumn Drive connection, but stated she could live with a bicycle and pedestrian connection that allows emergency vehicle access only. Ms. Leavitt stated that the connection would create a dangerous situation. Ms. Leavitt stated that the residents agree to change the name of the two Autumn Drives. Ms. Leavitt stated that she feels sidewalks will completely change the character of the neighborhood.

Robert Sobol, a resident of 503 Rockgarden Road, spoke against the connection of Autumn Drive. Mr. Sobol stated that connector roads should create a cut through street.

Eddie Hopfenberg, a resident of 105 Autumn Drive, spoke in opposition to the connection of Autumn Drive. Ms. Hopfenberg asked that Barington Hills remain as it is.

Katherine Cole, a resident of 208 Barington Hills Road, the main point of that the Walkable Communities workshop was that wide, through streets encourage fast traffic. The streets in Barington Hills have the elements

to keep traffic slow. If the town changes the streets of Barington Hills the character of the neighborhood will be changed.

Chris Stoneman, a resident of 202 Bruton Drive, suggested that the Planning Board recommendation be approved. The town should pay for the sidewalks if the town wants the connection made.

Richard Ellington, a resident of 109 Bruton Drive, stated that the sidewalk request did not come from the neighbors. Mr. Ellington stated that the only improvement the residents want is to leave Autumn Drive as it is. Mr. Ellington stated that a petition had been presented to the town two years ago for traffic control devices, but those problems still exist. Mr. Ellington stated that the residents of Cobblestone Drive had requested that their connection not be made and the Board denied the extension. Mr. Ellington pointed out there are other streets within Carrboro that are not connected.

Steve Garfinkel, a resident of 208 Barington Hills Road, stated that he does not feel the land use ordinance or connector road policy require the Board to make roads connect. Mr. Garfinkel stated that there is already connection interaction in the Barington Hills community. Mr. Garfinkel stated that the design of the connection would not discourage drivers from using the Autumn Drive connection. Mr. Garfinkel stated that the Barington Hills subdivision would definitely be disturbed if this connection were made.

Thomas Whisnant, a resident of 1708 North Greensboro Street, stated that he is a potential property owner in this neighborhood. Mr. Whisnant requested that the Board support a walkable community by supporting these neighbors.

Giles Blunden, a resident of 107 Circadian Way, spoke in favor of the connection of Autumn Drive. Connections only work if they are spread out to disburse traffic over different streets.

Stephanie Padilla, a resident of 103 Autumn Drive, presented the following options:

- ⇒ Connect now; put up signs at Canton Court and at Barington Hills Road - many negatives.
- ⇒ Separate the connection decision from the Horne Hollow development decision - this will allow the Board to make a more informed judgement by giving all concerned time to do more research and collect more facts. How much will sidewalks really cost? Who will pay for the sidewalks? Is the Board setting a precedent with regard to this decision? This may cost the town \$22,000, the developer could be asked to put the money in trust to be returned to the developer if the road wasn't connected.
- ⇒ Put in Emergency Access only - residents are willing to change the name of Autumn Drive.
- ⇒ Leave the road as it is.

Alexandra Sheaves, a resident of 104 Barington Hills Road, questioned the impact of stop and go traffic if this connection is made. Ms. Sheaves spoke in favor of leaving the road as it is.

Matthew Koch, a resident of 205 Bruton Drive, stated that they support the bicycle pedestrian access with emergency access. Mr. Koch stated that Barington Hills has very steep slopes and this connection will create very unsafe conditions. Sidewalks will change the fundamental character of their neighborhood. The residents do not feel they should have to pay for the sidewalk if it is something the town wants. The emergency access problems will no longer exist when the name of Autumn Drive is changed. The streets in Barington Hills are substandard. Mr. Koch showed a video of the streets in Barington Hills.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

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**PRESENTATION OF SECOND QUARTER FINANCIAL, PERSONNEL AND TECHNOLOGY REPORTS**

The Mayor and Board of Aldermen have requested quarterly financial and personnel reports. The Second Quarter Financial and Personnel Reports are provided to the Board as information. In addition, a status report on technology efforts within the town organization was presented. These reports cover the period of October – December, 1999. The purpose of this agenda item was for the Mayor and Board of Aldermen to receive these reports.

Desiree White, Personnel Director, stated that the current turnover rate is 13%. At the end of the last quarter, the turnover rate was 8.5%

Alderman Spalt asked for further clarification on the reasons for employees leaving town employment.

Alderman Dorosin asked how our turnover rate compares to towns of similar size.

Mr. Morgan introduced Andy Vogel, the town's Network Administrator.

Mr. Vogel answered the Board's questions about the Technology Report.

Alderman Broun suggested that departmental e-mail addresses be used.

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**A REPORT AND CALL FOR PUBLIC COMMENT ON THE TIME WARNER CABLE FCC 1240 RATE FILING FOR 2000**

The purpose of this item was to review and receive public comment on the FCC 1240 rate filing by Time Warner Cable for the year 2000. This filing has been reviewed by Robert Sepe, Information Access Manager (Triangle J Council of Governments and City of Raleigh). That report was included for review as well.

Mr. Sepe stated that Time Warner has filed its FCC 1240 form for this year and it is proposing an increase of \$.18 for subscribers to Time Warner's basic service on the Carrboro system and an increase of \$.84 for subscribers on the Carrboro/Chapel Hill system. Also, because Time Warner upgraded the Chapel Hill system, an additional \$1.81 fee is added to the charge for basic cable service for those system upgrades.

Slight irregularities in the manner in which Time Warner Cable calculated the Maximum Permitted Rate for Basic Cable Service for the Carrboro and Chapel Hill systems contributed to 13 cent and 51 cent calculation errors respectively. If uncorrected, collectively, the error, due to updated inflation factors, would net Time Warner \$9,400 in extra revenues. Time Warner did not have the latest inflation data available at the time it completed its FCC Form 1240 for 2000.

For subscribers served by the Time Warner's Chapel Hill system, TWC claimed inflation adjustments of .78 percent for the period of October – December 1998 and 1.60 percent for January – September 1999. However, on October 1, 1999, the FCC announced that the inflation rate for April – June 1998 was 1.35 percent. Pursuant



to the FCC's rate rules, the company must use the "current" inflation figure when calculating its rate increase due to inflation.

Because TWC filed an amended FCC 1240 for its Carrboro system subscribers on February 22, 2000, TWC revised its earlier rate filing to incorporate current inflation data. Hence the timing error was eliminated from that calculation. Carrboro customers were overcharged for the months of January and February 2000, but that overcharge will be credited to their bills during the next billing cycle.

In recalculating the maximum permitted rates for BST service, the consultant used the current inflation values. In the interest of consumer protection, currently available information was applied to the rate recalculation to eliminate overcharges which otherwise would be carried forward into 2001. The maximum permitted BST for subscribers on the Carrboro/Chapel Hill system would be lower at \$8.00 instead of the \$8.51 calculated by Time Warner. The rate increase for subscribers to the Carrboro system was correctly revised by TWC and is \$8.66.

Mr. Sepe stated that there would be another cable operator in this area within two years.

Mr. Sepe stated that franchise negotiations should be completed by the summer of 2000.

Jan Simmons stated that her bill had changed on a monthly basis. Ms. Simmons stated that the Chapel Hill system has many more channels than the Carrboro system. Ms. Simmons asked if there could be a senior citizen discount.

Willis Smith and Paul Bacerri stated that they would look into Ms. Simmons bill.

Mr. Bacerri stated that they are not allowed to discriminate in rates.

Mr. Bacerri stated that the basic rate would be decreased by \$1.61.

Mr. Smith stated that the system would have to be 750 megahertz.

Mr. Smith stated that Carrboro is scheduled for an upgrade by the end of 2000 that would provide additional channels.

Mr. Morgan asked whether the roadrunner service would be available when the upgrade is complete.

Mr. Smith stated that he was unsure when roadrunner service would be available in Carrboro.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDER FINDING TIME WARNER CABLE'S 2000 CABLE SERVICE FCC 1240/1235 RATE METHODOLOGY AS REASONABLE AND ORDERING A RATE TRUE-UP FOR 2001. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (GIST, BROUN), ABSENT ONE (MCDUFFEE)

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### **A DISCUSSION OF THE TRANSIT SUMMIT**

At this year's annual retreat, the Board decided to discuss inviting Chapel Hill and University officials to a Transit Summit. Before sending these invitations, the Board wanted to discuss the content of the proposed summit. The purpose of this item was to discuss the summit.

The Board delayed discussion of this matter until March 14<sup>th</sup>.

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**APPOINTMENTS TO HILLSBOROUGH ROAD NEIGHBORHOOD PARK DESIGN COMMITTEE**

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO MAKE THE FOLLOWING APPOINTMENTS TO THE HRNP DESIGN COMMITTEE:

Scott McClellan (at-large seat)  
Susan Baker (representing the Ad Hoc Committee for Park Financing)  
Monica Nees and Evie Odom (representing the Recreation and Parks Commission)

VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

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**REQUEST FOR NO TURN ON RED SIGNS**

The Board referred a request from Sherri Ontjes asking that the town consider adding no turn on red signs at the intersections of Weaver and Greensboro, Main and Greensboro and Main and the entrance to Carr Mill to the town staff for consideration.

Alderman Spalt also requested that the staff consider adding automatic crosswalk signals and having stop lights re-aligned so that pedestrians can view them.

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**REQUEST FOR RESOLUTION OF ISSUES RELATING TO RAIL TRANSIT AND HIGH-SPEED INTER-CITY RAIL**

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

A RESOLUTION REQUESTING GOVERNOR HUNT'S INTERVENTION  
IN RESOLVING ISSUES RELATED TO  
RAIL TRANSIT AND  
HIGH-SPEED INTERCITY RAIL  
Resolution No. 121/1999-2000

WHEREAS, the Triangle Transit Authority rail transit project is currently in danger of losing an opportunity to receive federal funding because of design and budgetary issues related to the N.C. Department of Transportation and high-speed intercity rail; and

WHEREAS, both rail transit and high-speed intercity rail are worthy projects and both should be accommodated.

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

Section 1. The Mayor and Board of Aldermen ask Governor Hunt to create the circumstances necessary to insure that the Triangle Transit Authority and N.C. Department of Transportation reach an agreement to resolve issues before it is too late to receive federal funding this year for the TTA rail transit system.

Section 2. Copies of this resolution shall be forwarded to Governor Hunt, Triangle Transit Authority and the N.C. Department of Transportation.

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 March, 2000:

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

Noes: None

Absent or Excused: Diana McDuffee

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 12:10 A.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

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Mayor

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Town Clerk