

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 24, 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
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

### **HILLSBOROUGH ROAD NEIGHBORHOOD PARK**

Evie Odom, Chair of the Hillsborough Road Neighborhood Park Design Committee, requested clarification on whether a connector road will be constructed through the park property and adjacent property and if so, the exact location of that road. Ms. Odom stated that the Design Committee voted to stop its planning process until this matter is resolved.

The Board referred this matter to the Agenda Planning Committee to schedule a Board discussion.

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### **PRESENTATION OF A CONCEPT PLAN FOR THE FLATS**

Cara Pittman, representing Terra Nova Global Properties, presented a proposal for Les Residences/THE FLATS—a development of 31 residential units and about 12,500 square feet of office/commercial space in downtown Carrboro. Ms. Pittman stated that the purpose of this presentation was to “test the waters” for Carrboro’s readiness for such a project.

Alderman Broun asked for a list of land use ordinance provisions that would need to be amended to allow this project to go forward.

Mike Brough stated that parking and height limitation provisions would need to be amended.

Alderman Gist expressed concern that such a project would change downtown Carrboro.

Alderman Zaffron asked what the obstacles would be to bring this project forward.

Alderman McDuffee asked how many stories the developer was planning.

Steve Fisher stated that the concept plan calls for five stories.

Alderman Spalt stated that the setbacks and “step backs” should also be considered. Alderman Spalt suggested that a parking deck or underground parking be considered for this project.

Giles Blunden stated that the town needs to address parking, with the town providing structured parking for downtown businesses. Mr. Blunden stated that it is also important to have green space in the downtown.

It was the consensus of the Board to refer this to staff to bring back a report on necessary land use ordinance amendments to make this project possible.

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**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPROVE THE OCTOBER 3 AND OCTOBER 10, 2000 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE ALL

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**AWARD OF CONTRACT/JANITORIAL SERVICES FOR THE CARRBORO CENTURY CENTER**

The purpose of this item was to award a contract for the janitorial services for the Carrboro Century Center. The staff received several proposals in response to the town’s request for sealed bids, and recommended that the Board award the contract to Janiking Commercial Services, Inc. for a total cost of \$30,840 per year.

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

A RESOLUTION AWARDING THE CONTRACT  
FOR JANITORIAL SERVICES FOR THE  
CARRBORO CENTURY CENTER  
Resolution No. 57/2000-01

BE IT RESOLVED by the Board of Aldermen that a contract is awarded for the following:

Award a contract to Janiking Commercial Cleaning Services for the monthly cleaning of the Carrboro Century Center at a cost of \$2,570 per month.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of October, 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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**MID-SEPTEMBER TO MID-OCTOBER ACTIVE PROJECTS REPORT**

The Zoning Division is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period September 16-October 15, 2000 was presented for the Board's review.

Alderman Spalt asked for a report on the issues remaining to be resolved regarding the Smith Middle School athletic fields.

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### **RESOLUTION OF APPRECIATION/CARRBORO FARMERS' MARKET**

The Carrboro Farmers' Market has made multiple donations to the Town of Carrboro. In recognition of those donations, the town staff prepared a resolution of appreciation recognizing the Farmers' Market for their donations to the town.

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

#### A RESOLUTION OF APPRECIATION CARRBORO FARMERS' MARKET Resolution No. 55/2000-01

WHEREAS, the Carrboro Farmers' Market has made multiple contributions to the Town of Carrboro for the Farmers' Market, including the successful application for a \$10,000 grant to install park benches, a Farmers' Market entrance sign, and funds towards the construction of the Laurel Avenue parking lot, as well as a donation of \$6,000 towards the construction of the Farmers' Market structure, \$3,000 for the trolley project, and \$1,050 to cover the cost of additional electrical outlets; and

WHEREAS, these donations have contributed toward a very successful Farmers' Market that is enjoyed by many and contributes in many ways to the economic and social life of the Town of Carrboro.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the Carrboro Farmers' Market for its many contributions to the town.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to the Carrboro Farmers' Market.

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 24th day of October, 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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**MAKE A DIFFERENCE DAY AND ADOPT A TREE CELEBRATION**

Alderman Dorosin announced that this Saturday at 10:00 a.m. at Anderson Park, Make a Difference Day and Adopt a Tree will be taking place.

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**PROCLAMATION ISSUED**

Alderman Spalt read a proclamation proclaiming October 28, 2000 to be Carrboro Plaza Veterinary Clinic Day in the Town of Carrboro in recognition of their 10<sup>th</sup> anniversary.

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**PUBLIC HEARING/BUREAU OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT**

The Carrboro Police Department has received approval from the Bureau of Justice Assistance for a year 2000 Local Law Enforcement Block Grant. This grant is for \$15,647.00 and requires a 10% match (\$1,739.00) from the Town of Carrboro. The administration recommended that the Board receive public comment on the proposed expenditure of these grant funds.

Capt. John Butler was present to answer questions.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WA MADE BY JOAL HALL BROWN TO ACCEPT THE LOCAL LAW ENFORCEMENT BLOCK GRANT IN THE AMOUNT OF \$ 15,647.00. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/MORNINGSTAR MINI-STORAGE**

Mr. David Blevins, with Development Engineering, representing the Morningstar Group, has submitted an application for a conditional use permit to allow a mini-storage facility at 321 NC Highway 54. The request consists of 163,363 square feet of interior storage in 10 different buildings. Storage facilities are allowed in the O/A zoning district pursuant to a conditional use permit issued by the Board of Aldermen. The administration requested that the Board of Aldermen review, deliberate and make a decision regarding the conditional use permit application.

Chris Murphy, the town's Development Review Administrator, was sworn in. Mr. Murphy made the staff report and stated that the administration recommended approval of the conditional use permit with the following conditions:

1. That the traffic control devices (i.e., stop signs, stop bars and lane striping) necessary to make both the Alabama Avenue Exit and the Morningstar parking lot exit stop movements as shown on the memo from TJ Dyer with NCDOT dated 8/31/99 be constructed by the applicant (or by the Town on behalf of the applicant—for a fee) prior to the issuance of a certificate of occupancy for the proposed project. This memo shows a stop

sign and a stop bar for both Alabama Avenue and the exit of the Morningstar parking lot with motorists entering the intersection from Jones Ferry Road having the unrestricted movement.

2. That additional evergreen and deciduous shrubs be provided in a clustering pattern along Jones Ferry Road to provide some visual relief and to provide a planting bed as opposed to a linear barrier.
3. That a greater variety of both large and small tree species be used on the site. At least three (3) different large and three (3) different small tree species should be used on the site. One-third (1/3) of these trees (both large and small) should be evergreen.
4. That the owner, Duke Power and OWASA work together to properly execute an easement document prior to the project being released for construction for the water main extension.
5. That a color-scheme consisting of more natural, 'earth-tone' colors, such as brown, green, beige, etc. be used for the walls, roof, and standard/garage doors for the proposed project.
6. That the proposed retaining walls and wooden fence running along the eastern and northern property lines (on the development side of the 30' buffer) be installed following the clearing and grading activity and before building construction begins. This will help ensure that the 30' buffer remains undisturbed throughout construction.

Phyllis McArthur, one of the partners of Morningstar, stated that Morningstar would retain ownership of the project and would give up to 5% of their storage area to local charities. Ms. McArthur stated that this project would generate very little traffic. Ms. McArthur stated that they had won awards for appearance of their facilities in other communities. Ms. McArthur stated that they had modified their plans to include earth tone colors. Ms. McArthur stated that the manager would not be a live-in manager.

Berry Allison, with Morningstar, was sworn in. Mr. Allison stated that this was going to be a \$4.5 million project. There will be no impact on schools as a result of this project and very low water usage. Mr. Allison presented a graph showing trip generation comparison. Mr. Allison stated that they had agreed to reduce the size of lights to 100-watt bulbs. Stormwater exiting this property will be reduced as a result of this project because of the installation of the stormwater detention pond. A sidewalk will be installed along Jones Ferry Road. Mr. Allison stated that they have tried to create a "Carr Mill" look using earth tone colors for this project. Mr. Allison stated that they will install any type buffer the neighbors want.

Dave Benson, operations manager for Morningstar, was sworn in. Mr. Benson stated that lighting is used to deter crime, 20 video cameras will in operation at all times. Mr. Benson stated that they would fill in the OWASA easement to the extent allowed by OWASA.

Ms. McArthur stated that the OWASA easement runs through the middle of the property.

David Blevins, engineer for Morningstar, was sworn in. Mr. Blevins stated that OWASA requires a 30-foot easement.

Alderman Gist requested a report from the Police Chief on the security of this facility.

Rebecca Bennett, a resident of 203 Alabama Avenue, was sworn in. Ms. Bennett expressed concern about the destruction of the natural environment to construct this project. Ms. Bennett stated that 6 of the 14 Alabama Avenue homeowners that signed the agreement in 1990 have changed since that time. Ms. Bennett asked that the project be scaled back.

David Branch, a resident of Alabama Avenue, was sworn in. Mr. Branch stated that he was concerned about the removal of the trees that currently cut out noise from the bypass. Mr. Bennett also expressed concern about the scale of this project. Mr. Branch expressed concern the negative impact this project will have on the property values on Alabama Avenue. Mr. Branch expressed concern about the crime already in this area and spoke against 24-hour access to the storage buildings.

A statement from Anissa McLendon, a resident of Alabama Avenue, was presented to the Board. Ms. McLendon suggested that the Board check the areas of Abbey Court, Ridgewood Apartments, The Pantry and Alabama Avenue between the hours of 10:00 p.m. and 3:00 am. This area has home invasions, car break-ins, carjackings, robberies, prostitution and the selling of drugs. Ms. McLendon spoke against putting 600 to 800 storage units in this unstable area. Ms. McLendon also presented a petition from residents of Alabama Avenue that spoke against issuance of the permit for this project.

Ben Salemi, a resident of 407 Gary Road, was sworn in. Mr. Salemi stated that at the information meetings with neighbors there was a great deal of concern expressed by residents about this project. Mr. Salemi stated that there was no agreement between the property owner and the residents of Windwood. Mr. Salemi stated that his property value would go down as a result of this project. Mr. Salemi asked that something be done about the 30-foot OWASA easement.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

Mayor Nelson urged the developer to consider moving the buildings around as a result of reducing the number of parking spaces to create more buffer to Alabama Avenue.

Alderman Gist stated that she feels the scale of the development should be reduced with increased buffers from the existing neighborhoods.

Alderman Spalt suggested that the developer plant all of the perimeter buffers adjacent to the Alabama Avenue and Windwood subdivisions with an evergreen screen. Alderman Spalt also suggested that the number of parking spaces be reduced.

Alderman McDuffee stated that she feels this project is the best use of this property. Alderman McDuffee urged the developer to increase the buffer and to reduce the cut to Gary Road.

Alderman Dorosin asked if the 8" looped water line is necessary and if so, could it be reduced to 10 feet with planting some screening shrubs outside of the easement along the Windwood subdivision.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN TO CONTINUE THIS PUBLIC HEARING UNTIL NOVEMBER 14, 2000. VOTE: AFFIRMATIVE ALL

Alderman Broun requested a report from the police chief on crime prevention for this project.

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## **RE-ORGANIZATION OF THE CARRBORO CRAFTS MARKET**

The purpose of this item was to present to the Board of Aldermen a revised format for the Carrboro Crafts Market and to consider transferring \$2,000 from the town's contingency fund to cover the cost of advertising and mailings.

James Harris, the town's Community and Economic Development Director, made the presentation.

Wendy Lipscomb, secretary of the Craft Market, stated that there is not a problem with too many vendors. Ms. Lipscomb stated that they are trying to get additional vendors.

Alderman Spalt requested that the statement on page 6 of the bylaws be deleted that states: "The vendor shall have the right to appeal his expulsion from the Market before the appropriate committee of the Carrboro Board of Aldermen."

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

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH THE  
RE-ORGANIZATION OF THE CARRBORO SUNDAY CRAFTS MARKET  
Resolution No. 58/2000-01

WHEREAS, the Carrboro Board of Aldermen has expressed an interest in having more activity on the Town Commons; and

WHEREAS, the Carrboro Crafts Market has expressed an interest in re-organizing and expanding the Sunday Market; and

WHEREAS, the Town and the Market would both benefit by such and expansion economically and socially.

NOW, THEREFORE BE IT RESOLVED:

Section 1. That the Board authorizes staff to provide \$2,000 to support the operation of the market for advertising and mailing.

Section 2. That the statement on page 6 of the bylaws be deleted that states: "The vendor shall have the right to appeal his expulsion from the Market before the appropriate committee of the Carrboro Board of Aldermen."

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of October, 2000:

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

Noes: Jacquelyn Gist

Absent or Excused: None

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**REQUEST TO SET A PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT  
ASSOCIATED WITH BUILDING HEIGHTS, SETBACKS AND SIDEWALKS**

On June 13, 2000, the Board of Aldermen received a staff report on intensity and dimensional regulations that affect development in downtown Carrboro. The Board directed staff to review and revise the Land Use Ordinance to specify “story” limitations, rather than a maximum height, and to also propose some forms of flexibility in setback and sidewalk requirements. The issues have been examined and alternative approaches are presented. Should the Board wish to proceed with further review, a resolution has been prepared for the Board’s adoption. The resolution directs staff to draft amendments to the Land Use Ordinance, sets a public hearing for December 5, 2000, and submits the proposed amendments for advisory board and Orange County review.

Trish McGuire, the town’s Planning Administrator, made the staff presentation.

The Board requested that the staff prepare ordinance changes that would accommodate the proposal for The Flats that was presented by Terra Nova. Specifically, the amendments should address the height and parking issues associated with that proposal, to include options for utilizing “stepbacks” in conjunction with height increases, particularly what the RHDC provisions would and would not allow.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Allen Spalt.

A RESOLUTION CALLING A PUBLIC HEARING ON  
LAND USE ORDINANCE TEXT AMENDMENTS TO  
BUILDING HEIGHT, SETBACK AND SIDEWALK REQUIREMENTS  
Resolution No. 56/2000-01

WHEREAS, the Carrboro Board of Aldermen has determined that it is necessary to consider changes to its Land Use Ordinance from time to time; and

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed changes to its Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen directs staff to draft ordinance amendments as proposed in the October 24, 2000 staff report to include the following:

That the maximum height be increased to five stories and that a mechanism for additional parking flexibility be included, to include options for utilizing “stepbacks”.

BE IT FURTHER RESOLVED that the Board of Aldermen calls a hearing for December 5, 2000 for the receipt of public comment on the proposed amendments, and;

BE IT FURTHER RESOLVED that the Board of Aldermen directs that the draft ordinance be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for recommendations.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of October, 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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**FACILITATION FOR 2001 PLANNING RETREATS**

Mr. Morgan informed the Board that the facilitator that was used for last year's retreat was only available for one of the dates for the 2001 planning retreats. Mr. Morgan asked if the Board wished to have two different facilitators or if the town should try to retain an alternate facilitator.

The Board expressed its desire to have the same facilitator for both the one-day and two-day retreats.

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**STATUS REPORT ON PURCHASE OF DOWNTOWN PARKING LOT**

Mayor Nelson requested a report on the status of the purchase of the parking lot downtown.

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**GRADUATED CONNECTION FEE FOR OWASA SERVICES**

Alderman Dorosin requested that the Board consider adopting a resolution urging OWASA to consider approving a new category for smaller, affordable housing connections.

Mayor Nelson requested that Alderman Dorosin get a copy of Mark Chilton's request to the town staff to prepare a resolution for the Board's consideration.

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**REQUEST FOR STATUS REPORT/DEVELOPMENT MANUAL**

Alderman Broun asked for a status report on the Planning Department's development manual and related documents.

Mr. Morgan stated that he was preparing a status report on this matter.

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**STRUCTURES LOCATED ON HILLSBOROUGH ROAD NEIGHBORHOOD PARK PROPERTY**

Alderman Gist stated that she had contacted Orange County Solid Waste concerning the possibility of deconstruction or recycling the buildings located on the park property. Alderman Gist stated that it appears that deconstruction would be very expensive, but there are possibilities for recycling the building materials.

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**TRIANGLE UNITED WAY'S ACTION TO EXCLUDE NC WARN**

Alderman Spalt commended Moses Carey for writing the letter to Triangle United Way concerning their exclusion of NC WARN as a member agency of the Donor Choices Program

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**ENHANCEMENT GRANTS**

Alderman Zaffron announced that the town had been successful in obtaining enhancement grants from NCDOT for \$73,035 to complete the Old Fayetteville Road sidewalk connection, and \$8,591 for the South Greensboro Street sidewalk connection.

Mayor Nelson requested that letters be sent to the businesses on South Greensboro Street.

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**STATUS REPORT ON PURCHASE OF DOWNTOWN PARKING LOT**

Mayor Nelson requested a report on the status of the purchase of the parking lot downtown.

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO ADJOURN THE MEETING AT 11:20 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk