

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 16, 2001 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

**TIME WARNER UPGRADE**

Chris Van Name, Vice President and General Manager of the Triangle Area for Time Warner, answered questions about Time Warner's service upgrade in Carrboro. Mr. Van Name stated that problems could be funneled through his office at 573-7320.

\*\*\*\*\*

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO APPROVE THE JANUARY 2, 2001 MINUTES. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**PUBLIC HEARING/PROPOSED AMENDMENT TO THE TOWN'S NOISE ORDINANCE**

The Board of Aldermen at its meeting on November 28, 2000 set a public hearing for tonight's meeting to receive public comment on proposed amendments to the town's noise ordinance. The Town Attorney has drafted three alternative ordinances for the Board's consideration.

Laurie Flowers, Director of Government Relations with the Chamber of Commerce, expressed concern about the change in the start up time for heavy equipment. Ms. Flowers asked that the Board adopt the town staff's recommendation.

Scott Gardner, District Manager of Duke Power, spoke against the proposed start up time for construction work.

Jerry O'Keeffe, with PSNC, spoke against the proposed change to the start up time.

John Smith, a resident of downtown Carrboro and a Carrboro representative on the OWASA Board, endorsed the town staff's recommendation. Mr. Smith stated that it is OWASA's policy to be a good neighbor and tries to contact residents of neighborhoods where construction will be taking place to inform them of upcoming construction. Mr. Smith stated that if the workday is shortened, the project life and cost will be extended.

Ann Stoddard, a resident of Pathway Drive, expressed concern about the costs to citizens if the workday is shortened. Ms. Stoddard asked that the noise ordinance not be changed.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN TO CLOSE THE PUBLIC HEARING AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

Alderman Dorosin suggested that letters be sent to the utility companies that do business in Carrboro informing them of the existence of the town's noise ordinance and that information be distributed on the noise ordinance when building permits are issued.

Alderman Zaffron suggested that utility companies be required to provide information on upcoming projects that will reach homeowners as well as renters.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MARK DOROSIN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE PROVISIONS RELATING TO THE REGULATION OF CONSTRUCTION NOISE, TO CLARIFY THAT THE NOISE RESTRICTIONS DO NOT APPLY TO WORK WITHIN A PUBLIC STREET RIGHT OF WAY BY A UTILITY, THE TOWN, OR NCDOT. AS AMENDED TO ADD A NEW SECTION 2 TO STATE: "THE SECOND SENTENCE OF SUBSECTION 5-21(B) IS AMENDED TO READ AS FOLLOWS: "A VIOLATION OF THE PROVISIONS OF SECTIONS 5-11, 5-12 AND 5-12.1 SHALL SUBJECT THE OFFENDER TO A CIVIL PENALTY OF TWENTY-FIVE DOLLARS FOR THE FIRST OFFENSE, FIFTY DOLLARS FOR THE SECOND OFFENSE WITHIN A THIRTY-DAY PERIOD, AND ONE HUNDRED DOLLARS FOR THE THIRD OR ANY ADDITIONAL OFFENSE THAT OCCURS WITHIN ANY THIRTY-DAY PERIOD." VOTE: AFFIRMATIVE ALL

The Board requested that copies of the town's noise ordinance be distributed when building permits are issued and that builders post copies on the kiosks at building sites.

\*\*\*\*\*

**CONTINUATION OF PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT ASSOCIATED WITH BUILDING HEIGHTS, SETBACKS, AND SIDEWALKS**

Proposed amendments to the land use ordinance associated with building heights and setbacks in the downtown were reviewed on December 5, 2000. The Board adopted several amendments, requested additional information, and continued the hearing. The administration recommended that the Board adopt sections 1, 4, 11 and 12 of the draft ordinance and refer the remaining information to the Downtown Visioning Steering Committee for consideration during development of the Downtown Renaissance Plan.

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

Marty Mandell, a resident of Pine Street, spoke in favor of Carrboro's small town flavor and urged the Board not to change the appearance of the town.

Faye Farrar, a resident of Prince Street and a member of St. Paul AME Church, introduced Rev. Larnie Horton, Pastor of St. Paul AME Church, spoke in favor of the changes to the building height limitations so that the church could take advantage of the additional height for their new addition.

Giles Blunden spoke in favor of the change in the height restrictions for the B-1(g) zoning district. Mr. Blunden spoke in favor of increasing the intensity of the downtown to increase the tax base.

James Carnahan spoke in support of increasing building height limitations to five stories, conditioned on the downtown charette. Mr. Carnahan pointed out that the *Shaping Orange County's Future Report* stated that density should be focused in the downtown.

Martha Arnold, a resident of Maple Avenue, read a petition asking that the Board postpone any changes to the building height requirements until the downtown visioning process is held.

Susie Holloway, a resident of W. Main Street, expressed concern about raising the height limits on buildings and urged the Board to wait until the downtown visioning process is held before making changes to height limitations.

Michael Savino, a resident of Weaver Street, urged the Board to postpone their decision to change the building height limitations.

Rick Palmer, a resident of Carrboro, expressed concern about changing the policy for the benefit of a single development, but stated that he would not be opposed to a three-story building in the downtown, but would be opposed to a five-story building.

Mandy Moneith, a resident of downtown Carrboro, stated that higher buildings are a good idea in downtown Carrboro.

Faye Farrar spoke in favor of commercial space in the downtown and increased building heights.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN TO CLOSE THE PUBLIC HEARING AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO ADOPT SECTIONS 1, 4, 7, 11 AND 12 OF THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO SPECIFY BUILDING HEIGHT, AND SETBACK REQUIREMENTS IN SEVERAL DOWNTOWN ZONING DISTRICTS." VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

\*\*\*\*\*

### **MINI-RETREAT: REVIEW OF THE ENVIRONMENTAL ADVISORY BOARD'S RECOMMENDED LAND USE ORDINANCE CHANGES**

The Board of Aldermen held a worksession with the Environmental Advisory Board on May 16, 2000 in follow-up to their review of recommended land use ordinance changes. The purpose of the mini-retreat is to provide an opportunity for further discussion of the five issues noted in the staff analysis presented in October 1999.

Glynis Gore stated the EAB was not prepared to make a presentation on Item #1 at this time (Following data compilation and analysis, pursue a watershed-based zoning approach and/or a zoned approach to stream buffers to ensure their effectiveness by specifying permitted used in particular parts of each stream buffer.")

Merrilee Brown addressed Item #2(Using the data noted above and other sources, incorporate biotic communities' overlays that would be used to expand information on, and perhaps re-prioritize, secondary conservation areas that are identified during the site planning/open space designation process.) Ms. Brown stated that the EAB would like to:

- Initiate a process of cataloging open space in Carrboro
- Explore methods of land conservation
- Have a continuing education campaign
- Establish an EAB resource library

Glynis Gore addressed Item #3 (Develop a manual of open space maintenance procedures and ownership/management responsibilities.) Ms. Gore stated that the EAB would like to develop a pamphlet on managing open space that could be distributed to homeowner associations.

Alderman Dorosin suggested that the brochure include suggestions for use of open space.

Alderman Gist asked that the phrase “passive recreation” be replaced with “low impact recreation”.

Giles Blunden addressed Item #4 (Revise parking standard drawings to incorporate a permeable paving system, require a minimum number of compact parking spaces, and incorporate bio-retention areas for water quality protection into parking lot stormwater management systems.)

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

A RESOLUTION SPECIFYING FURTHER ACTION ON EAB RECOMMENDATIONS  
TO REVISE LAND USE REGULATIONS  
Resolution No. 90/2000-2001

WHEREAS, the Carrboro Board of Aldermen has charged the Environmental Advisory Board (EAB) with advising the Board on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen has met with the EAB to clarify the goals and concerns related to five areas of possible change to Land Use Ordinance provisions and regulations.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the EAB is authorized to begin work on:

- A biotics overlay map;
- A pamphlet on managing open space for homeowner associations; and
- A priority list of best management practices for water quality protection associated with parking requirements.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16<sup>th</sup> day of January, 2001:

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

Noes: None

Absent or Excused: None

\*\*\*\*\*

## **DISCUSSION OF THE ORANGE COUNTY MASTER AGING PLAN**

At the Board of Aldermen's November 28, 2000 meeting, Jerry Passmore, Director of the Council on Aging, presented the Orange County Master Aging Plan to the Board and requested that this plan be discussed by the Board at a future meeting. This item was before the Board at tonight's meeting for consideration.

Jerry Passmore, Director of the Council on Aging, made a brief presentation.

Florence Soltys, Chair of the Master Aging Plan Task Force, stated that it is estimated that 30% of the aging population is from immigration to this area. Ms. Soltys asked that the Board send a letter to the county commissioners in support of the report.

It was the consensus of the Board to request that Mayor Nelson forward a letter to the Orange County Board of Commissioners stating the Board's support of the Master Aging Plan and pointing out the following issues as concerns of the Board:

Adequate public transportation;  
Public Internet access in the Community Center; and  
Health care access.

\*\*\*\*\*

Alderman Spalt asked to be excused from the meeting due to illness.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN TO EXCUSE ALDERMAN SPALT. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

## **REQUEST FOR STAFF ACCOUNTANT POSITION FOR MANAGEMENT SERVICES DEPARTMENT**

The Management Services Department requested authorization to fund a permanent full-time staff accountant position effective March 1, 2001. The Town Administration recommended that this position be authorized in order to complete a backlog of work created by the conversion to a new financial system and to allow the development of other financial policies and system improvements in a timely manner.

Bing Roenigk, the town's Assistant Town Manager, answered the Board's questions.

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

### **A RESOLUTION AUTHORIZING THE ADDITION OF STAFF ACCOUNTANT Resolution No. 91/2000-2001**

WHEREAS, the turnover in finance personnel and the implementation of the new financial system has created a backlog of work in Management Service Department, and

WHEREAS, the addition of a staff accountant would improve segregation of duties and enable the Accounting Officer and Assistant Town Manager to implement new policies and procedures to enhance the finance functions of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that:

Section 1. The Town Administration is to prepare a classification description for a new position, staff accountant,

Section 2. The Town Administration is to prepare a budget amendment taking \$19,100 from the general fund, fund balance to cover the salary and benefits for a staff accountant plus support cost, and

Section 3. The Town Administration is authorized to advertise for a staff accountant position to be filled by March 1, 2000.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of January, 2001:

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

Noes: None

Absent or Excused: Allen Spalt

\*\*\*\*\*

**REVIEW OF DRAFT LETTER TO COUNTY COMMISSIONERS/NORTHERN STUDY AREA PARK DEVELOPMENT**

Alderman Broun requested that the words “and passage” be inserted in the sentence that reads: “The NSA Plan proposes a “community” park in the area under consideration, rather than a “district” park that is understood to be the focus of this acquisition effort. This could result in approximately 70 more acres of land in park development than anticipated during the preparation **and passage** of the plan.”

The Board authorized Mayor Nelson to forward the letter to the Chair of County Commissioners with Alderman Broun’s suggested change.

\*\*\*\*\*

**CARRBORO REPRESENTATIVE ON THE SOUTHERN COMMUNITY PARK CONCEPTUAL PLAN COMMITTEE**

Alderman Gist volunteered to serve as Carrboro’s representative on Chapel Hill’s Southern Community Park Conceptual Plan Committee.

\*\*\*\*\*

**REPORT FROM TRANSIT COMMITTEE REF. STUDENT FARE FREE SERVICE**

Mayor Nelson stated that he would like for the Board of Aldermen to consider supporting the Transit Committee’s recommendation for student fare free bus service.

The Board requested a report on this matter.

\*\*\*\*\*

**STATE OF ORANGE COUNTY BREAKFAST**

Alderman Broun requested that the town staff reserve a table for the Board to attend the State of Orange County breakfast scheduled for March 27<sup>th</sup>

\*\*\*\*\*

**REQUEST FOR STATUS REPORT ON THE STARLITE DRIVE DRAINAGE PROBLEM**

Alderman Broun requested a status report on the Starlite Drive drainage problem.

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MARK DOROSIN TO ADJOURN THE MEETING AT 12:05 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

---

Mayor

---

Town Clerk