

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 22, 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

REQUEST FOR FUNDING

Bob Gilgor and Edwin Caldwell, Jr. asked for funding from the Town for the Lincoln High School Mighty Tigers exhibit. Morgan Kenney, Director of the Chapel Hill Museum, spoke in support of the Mighty Tigers exhibit.

PINE STREET

Andreas Hay, a resident of Pine Street, expressed concern about pedestrian safety along Pine Street. Mr. Hay stated that additional high-density housing is proposed for construction at 106 and 108 Pine Street, which will house students. Mr. Hay asked that the Town halt this development.

Chris Murphy, the Town's Development Review Administrator, stated that the proposed structures for 106 and 108 Pine Street are permitted by right of the land use ordinance, which only required staff approval.

Wendy Bennett, a resident of Pine Street, expressed concern that these additional high density-housing units will pose a negative impact on their neighborhood. Ms. Bennett stated that they currently have problems with student housing on their street.

Jennifer Hay, a resident of Pine Street, stated that she had called the police on numerous occasions about the noise generated by the students living in the rental houses. Ms. Hay stated that there could be up to 20 cars if the additional rental house is constructed. Ms. Hay expressed concern about her child being hit by a car as a result of the increased traffic on Pine Street.

Gus Young, a resident of Pine Street, expressed concern about the high-density construction on Pine Street. Mr. Young stated that the only problem with the rental house is when there is a party. Mr. Young stated that the town should contact neighbors prior to issuing a permit for this type of development.

A resident of Pine Street requested that the developer be requested to save as many trees as possible.

Margaret Penzick, a resident of 101-1 Pine Street, expressed concern about the amount of traffic on Pine Street.

Susan Baker, a resident of 110 Pine Street, stated that she would not have bought her home if she had known these “dormitories” were going to be built on Pine Street. Ms. Baker stated that she had called the police because the students had been playing volleyball at 4:00 a.m.

The Board asked that:

- The town staff and the TAB review parking issues in residential neighborhoods and the possibility of one-way Pine Street;
- The Police Department increase patrol on Pine Street;
- The Board of Aldermen discuss notification of surrounding property owners for developments requiring only a zoning permit;
- That the Board of Aldermen discuss multi-family units disguised as single-family units;
- The town staff review options for egress from Carrboro Elementary School;
- A meeting be held with landlords to discuss the possibility of including behavior/good neighbor language in their lease agreements.
- The town staff request that the developer preserve as many trees as possible.

The Board requested that the town staff relay the Board’s concerns to the developer with the request that he consider delaying construction of the project until the concerns are addressed.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN TO APPROVE THE MAY 8, 2001 MINUTES. VOTE: AFFIRMATIVE ALL

MID-APRIL TO MID-MAY ACTIVE PROJECTS REPORT

The Zoning Division of the Town of Carrboro 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 April 16, 2001 through May 15, 2001 was presented.

AWARD OF CONTRACT FOR POLICE RADIO SYSTEM

The Board, in adopting the FY2000-01 budget, approved the use of installment purchase (informally known as lease-purchasing financing) funding for the Police Radio System to improve radio communication issues in the northern area of Town. The purpose of this agenda item was to award a contract for two new repeater channels to accommodate the existing main police radio channel at the main tower site and to radio frequency link two of the channels to the 911 Center for the Police Department. The Town received two proposals in response to the

Town's request for sealed bids, and recommended that the Town award the contract to the lowest responsive, responsible bidder, Radio Communications Company.

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

A RESOLUTION AWARDING THE CONTRACT FOR
THE POLICE RADIO SYSTEM
Resolution No. 153/2000-01

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro:

Section 1. A contract is awarded to Radio Communications Company in the amount of \$33,455.00.

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 22nd day of May, 2001:

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

Noes: None

Absent or Excused: None

APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY BOARD

The Mayor and Board of Aldermen were asked to consider the appointment of John Gallagher and Mike Mathews to the Environmental Advisory Board.

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

A RESOLUTION MAKING APPOINTMENTS TO THE
ENVIRONMENTAL ADVISORY BOARD
Resolution No. 154/2000-01

WHEREAS, there are currently three vacant seats on the Environmental Advisory Board (EAB); and

WHEREAS, these positions have been advertised and John Gallagher and Mike Mathews have submitted applications; and

WHEREAS, the Chair of the EAB is recommending that Mr. Gallagher and Mr. Mathews be appointed to two of the vacant seats on the EAB.

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

Section 1. The Board of Aldermen hereby appoints John Gallagher and Mike Mathews to seats on the Environmental Advisory Board. Mr. Gallagher's term shall expire in February 2004. Mr. Mathews' 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 22nd day of May, 2001:

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

Noes: None

Absent or Excused: None

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/SMITH MIDDLE SCHOOL ATHLETIC FIELDS

Mr. Mike Hammersley, with Corley Redfoot Zack, Inc., representing the Chapel Hill/Carrboro Board of Education, has submitted an application for a Conditional Use Permit (CUP) to allow a combination use (Use 27.000) of the existing single-family residential (Use 1.110) and of the proposed middle school athletic fields (Use 5.110) at their leased property located off of Homestead Road. The request consists of constructing two (2) soccer fields, a baseball/softball field and six (6) tennis courts. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit application. 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 presentation and stated that the administration recommended approval of the conditional use permit/agreement with the following conditions:

1. That a type 'A' screen be provided along the western property line adjacent to Homestead Road. The plans should be revised to include specific vegetation types and quantities satisfying the type 'A' screening requirements.
2. That the Town of Carrboro and the Chapel Hill/Carrboro Board of Education work with the owner to secure a public access easement along the southern property line (adjacent to Bolin Creek). The easement should be sixty (60) feet in width and should be dedicated to the Town of Carrboro for public pedestrian and bike access. This would need to be handled through the UNC property office.
3. That the applicant resubmit the revised plans to NCDENR and gain approval prior to construction plan approval.
4. That the applicant work with the Carrboro Public Works and Recreation and Parks Departments to determine the location of the irrigation conduit prior to construction plan approval.
5. That a detailed lighting plan be supplied and a public hearing be held for any future proposal to light the play fields and/or tennis court.
6. That the applicant include removable bollards for the asphalt trail from both the high school and middle school parking areas as part of the construction plan approval process.

7. That the Town of Carrboro, along with the Chapel Hill/Carrboro Board of Education, work with the owner to complete and submit a voluntary annexation petition. This would need to be handled through the UNC property office.

Mike Hammersley was sworn in. Mr. Hammersley pointed out some of the features of the proposed athletic fields and answered the Board's questions.

Becky Ward was sworn in. Ms. Ward explained how the drainage system would be constructed.

Jim Rosinia, a resident of High School Road, was sworn in. Mr. Rosinia requested that the developer be required to install a fence along the northern property line.

Chris van Hasselt, Chair of the Transportation Advisory Board, was sworn in. Mr. van Hasselt explained the TAB's recommendation and stated that the TAB had asked that a third bicycle rack be installed.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the applicant resubmit the revised plans to NCDENR and gain approval prior to construction plan approval.
4. That the applicant work with the Carrboro Public Works and Recreation and Parks Departments to determine the location of the irrigation conduit prior to construction plan approval.
5. That a detailed lighting plan be supplied and a public hearing be held for any future proposal to light the play fields and/or tennis court.
6. That the applicant include removable bollards for the asphalt trail from both the high school and middle school parking areas as part of the construction plan approval process.
7. That the Town of Carrboro and the Chapel Hill/Carrboro Board of Education work with the owner to secure a public access easement along the southern property line (adjacent to Bolin Creek). The easement should

be sixty (60) feet in width and should be dedicated to the Town of Carrboro for public pedestrian and bike access. This would need to be handled through the UNC property office.

8. That the Town of Carrboro, along with the Chapel Hill/Carrboro Board of Education, work with the owner to complete and submit a voluntary annexation petition. This would need to be handled through the UNC property office.
9. That a bike rack be added in the vicinity of the baseball field.
10. That the applicant install a fence along the northern property line subject to discussions with the University.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADD THE FOLLOWING CONDITIONS:

1. As soon as possible, the Town of Carrboro and the Chapel Hill-Carrboro City Schools initiate a dialogue with the University of North Carolina regarding the request for a secure easement of the Bolin Creek Floodplain to be dedicated (to the Town) as a greenway and/or nature trail.
2. As soon as possible, the Town of Carrboro and the Chapel Hill-Carrboro City Schools initiate a dialogue with the University of North Carolina regarding the request to secure a voluntary annexation (petition) of the entire 42-acre parcel, of which the athletic fields are a part of, as well as all other University of North Carolina tracts within the planning jurisdiction of the Town of Carrboro.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO GRANT THE APPLICATION, SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE ALL

BUDGET RECOMMENDATIONS FROM THE HUMAN SERVICES COMMISSION

The purpose of this item was to present to the Board of Aldermen the recommendations from the Human Services Commission for 2001-02 funding requests from the non-profit agencies providing services to Carrboro citizens.

Lillie Atwater, Chair of the Human Services Commission, made the presentation.

CONDITIONAL USE PERMIT MODIFICATION/400 ROBERSON STREET

The Yaggy Corporation in conjunction with Civil Consultants has submitted an application for a minor modification to the Conditional Use Permit for property located at 400 Roberson Street. The modification, if approved, would allow the addition of 30 additional parking spaces on the site, a new driveway, and a pedestrian crossing of the Libba Cotton bikeway. The Board of Aldermen must consider the minor modification and either approve, approve with conditions, or deny the request.

Jeff Kleaveland, one of the town's Planner/Zoning Development Specialists, made the staff presentation. Mr. Kleaveland stated that the administration recommended approval of the minor modification to allow the Yaggy Corporation to expand its parking lot as shown on the approved plans subject to the condition that the asphalt paving depth for the proposed parking expansion be increased from 1.5-inch I-2 to 2-inch I-2.

Bill Spang, representing the Yaggy Corporation, stated that the holly would provide a barrier between the parking lot and the bikepath. Mr. Spang stated that they need to know the number of available parking spaces prior to developing the plans for Lot #1.

Chris van Hasselt, Chair of the TAB, stated that the TAB voted against the request because it is not known what will be constructed on Lot 1.

Mayor Nelson and Alderman Spalt expressed concern about the location of the driveway entrance.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE ADDITION OF 30 PARKING SPACES ON THE PROPERTY LOCATED AT 400 ROBERSON STREET (TM 7.99.D.19D), SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the asphalt paving depth for the proposed parking expansion be increased from 1.5-inch I-2 to 2-inch I-2.
2. That the driveway entrance adjacent to the Libba Cotton Bikeway be deleted.
3. That the pedestrian crossing through the Libba Cotton Bikeway be deleted.

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (ZAFFRON, GIST, SPALT)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN TO ADD THE CONDITION THAT THE APPLICANT ADDRESS THE MINOR ISSUES RAISED BY THE PUBLIC WORKS DEPARTMENT PRIOR TO CONSTRUCTION PLAN APPROVAL. VOTE: AFFIRMATIVE ALL

CONDITIONAL USE PERMIT MINOR MODIFICATION/BELLSOUTH TELECOMMUNICATIONS TOWER

Meldonna Britt, representing BellSouth Telecommunications Incorporated, has applied for a minor modification to the BellSouth Telecommunications Tower conditional use permit located at 625 Old Fayetteville Road. The BellSouth Telecommunications Tower CUP was issued on February 9, 1999 and was last amended on April 24, 2001 (to allow XM Satellite Radio to add a panel antenna and satellite dish to the tower, as well as an equipment cabinet on the ground). The proposed minor modification consists of adding a new 'whip' antenna to the tower as well as installing equipment within the existing BellSouth equipment building on the site. Per Section 15-176 (15) of the Land Use Ordinance (LUO), additional antenna arrays located on existing towers must be approved through the minor modification process. The Administration requested that the Board of Aldermen review the request and make a decision regarding the minor modification.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE BELLSOUTH TELECOMMUNICATIONS TOWER LOCATED AT 625 OLD FAYETTEVILLE ROAD ALLOWING BELLSOUTH TELECOMMUNICATIONS TO LOCATE A WHIP ANTENNA ON THE TOWER AND INSTALL ADDITIONAL EQUIPMENT INSIDE THE EXISTING BELLSOUTH EQUIPMENT BUILDING
Resolution No. 156/2000-01

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 625 Old Fayetteville Road on February 9, 1999; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the BellSouth Telecommunications Tower conditional use permit located at 625 Old Fayetteville Road allowing BellSouth Telecommunications to install a whip antenna on the tower and install additional equipment within the existing BellSouth equipment building.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of May, 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 OPTIONS FOR ADDRESSING RETENTION OF EMPLOYEES IN THE POLICE AND FIRE DEPARTMENTS

At its May 1st meeting, the Mayor and Board of Aldermen discussed options for addressing retention of Police and Fire employees. The Board requested that additional options be developed for the Board to consider. The purpose of this agenda item was to review these options and to consider including one of these options in the 2001-2002 budget.

Mr. Morgan stated that at the May 1st Board meeting, the Town administration recommended that the Board implement a vehicle take home policy that would require an expenditure of \$17,558 in this current budget year. It would also require additional funding of \$7,250 over the proposed budget for next year. This \$24,808 would be funded using lapsed salaries in the Police Department. This would still leave \$65,000 in lapsed salaries in the current year budget to use toward funding a salary increase in next year's budget.

The following five options for police and firefighting personnel are identified below:

1. **Maximum Implementation** – Personnel falling below starting salary are moved to first step. All other personnel maintain their existing salary step on the new pay scale. This option is the best method to deal with recruitment, retention and compression. The cost of this option is **\$160, 803**.

2. **Maximum Implementation Phased in Over 2 Years** – Personnel falling below starting salary are moved to first step of new pay scale. All other personnel are moved towards their recommended salary step over a two-year period. This is accomplished by splitting the recommended increase in half; if the increase is 5%, 2.5% is awarded in the first year and 2.5% in the second year. This proposal has the same benefits as option one with the added benefit of easing the cost impact. Funding just the first year of this option is another alternative. The cost in the **first year is \$70,719**. The cost in the **second year is \$97,769**.
3. **Maximum Implementation Excluding Chiefs, two Police Captains, Deputy Fire Chief and Fire Marshall** – Same as option one excluding personnel listed above. This option has almost the same benefits as option one with the exception it creates severe compression problems in the Police Department. This option would allow one sergeant to make more than one Captain and two Sergeants to make more than both Captains. Cost of this option is **\$132,419**.
4. **Minimum Implementation Plus 2.5% Increase** – Personnel falling below starting salary are moved to first step on the new pay scale. All personnel with more than one year of service receive a 2.5% increase. This option is the least expensive and does the least to address recruitment, retention and compression. The cost of this option is **\$52,735**.
5. **Minimum Implementation Plus Increases Based on Years of Service** – Personnel falling below starting salary are moved to first step on new pay scale. Personnel with one year of service but less than three years receive 2.5% increase. Personnel with three years or more of service receive a 5% increase. This option is similar to option four but does more to address compression problems. The cost of this option is **\$87,757**.

Mr. Morgan stated that the Administration is still preparing information requested by the Board related to implementation of the market study and salary step and years of service information. This information will be ready for the May 29th budget worksession. The Administration recommends that the Board receive this cost information and wait for the additional information before making a decision.

REQUEST TO ACCEPT A PETITION FOR A LAND USE ORDINANCE TEXT AMENDMENT TO REVISE CERTAIN REQUIREMENTS FOR COMBINATION USES ON LESS THAN ONE ACRE SITES IN BUSINESS DISTRICTS

Mariana Fiorentino is requesting revisions to several land use ordinance provisions associated with combination uses on lots one acre or less in size in business districts. Staff has reviewed the request, particularly in relation to the upcoming Downtown Vision project. A resolution that accepts this petition but delays further consideration of the requested changes until the conclusion of the downtown visioning project was recommended for the Board’s adoption. A resolution that provides an opportunity for the Board to direct the staff otherwise was also provided.

Mariana Fiorentino stated that this project would not be viable if it is delayed until the downtown visioning charette is held in September. Ms. Fiorentino stated that their request is narrowly defined and would only apply to sites in the business district that are one acre or less and fronting arterial streets.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Dorosin.

A RESOLUTION SPECIFYING FURTHER ACTION ON THE PETITION REQUESTING AMENDMENTS TO THE TEXT OF THE LAND USE ORDINANCE REGARDING DOWNTOWN BUSINESS DISTRICTS

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the review of possible changes to land use policies and regulations.

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

Section 1. That the Aldermen accept the petition to amend the text of the Land Use Ordinance that was submitted on May 2, 2001 by Mariana Fiorentino.

Section 2. That the Town staff is directed to prepare an amendment to the Land Use Ordinance requested by Mariana Fiorentino with the following provisions:

- That the active recreational areas and facilities requirement be deleted;
- That the provisions of this amendment only apply to tracts that are one acre or less fronting arterial streets;
- That a project using the provisions of the proposed amendment requires conditional use permit approval.

Section 3. That a public hearing be scheduled for June 19, 2001 on the proposed amendment with a Board decision on the amendment on June 26, 2001.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of May, 2001:

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

Noes: Jacquelyn Gist, Allen Spalt

Absent or Excused: None

REQUEST TO EXTEND THE HOURS FOR THE “F” ROUTE

Mayor Nelson asked for Board approval to forward a letter to the Town of Chapel Hill requesting that service on the “F” route be extended from 6:30 p.m. to 8:00 p.m. and agreeing that Carrboro’s share of the cost would be \$45,000.

The Board authorized the Mayor to forward the letter to the Town of Chapel Hill.

CREST STREET EASEMENT

Mayor Nelson asked for permission to forward a letter to the Town of Chapel Hill requesting that they agree to combine a lot owned by the Chapel Hill Housing Authority and a lot owned by the Town of Carrboro located on Crest Street. The combined lot could possibly be used to construct affordable housing.

The Board authorized the Mayor to forward the letter to the Town of Chapel Hill.

ADEQUATE PUBLIC FACILITIES ORDINANCE

Alderman Spalt stated that the Town had received a letter from the Town of Chapel Hill requesting that a revised version of the adequate public facilities ordinance be redrafted in time for the Chapel Hill Town Council to possibly adopt the ordinance by July 2nd.

Mr. Morgan stated that the Agenda Planning Committee had suggested that the Board review the Town Attorney's revised draft of the ordinance.

The Board requested that the Agenda Planning Committee schedule a Board discussion of the Town Attorney's draft of the adequate public facilities ordinance.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALLEN SPALT TO ADJOURN THE MEETING AT 11:55 P.M. VOTE: AFFIRMATIVE ALL

Town Clerk

Mayor