A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 23, 2001 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

REQUEST FOR TRAFFIC SIGNAL

Ruth Brooks, a resident of 209 Carolina Springs Apts., asked that the Town request that NCDOT install a traffic signal at the intersection of Poplar Street and NC 54. She stated that a resident of Carolina Springs was seriously injured at that intersection recently and that the number of accidents at that intersection should warrant a traffic signal.

Mayor Nelson asked that the Town staff forward a letter to the NCDOT District Engineer with copies to the Town's representative on the NCDOT Board of Transportation and the Town's legislative delegation.

HILLSBOROUGH ROAD PARK

Brad Lessler with Sustainable Living, Inc. stated that he had submitted a proposal to the Town concerning the disposition of the house located on the Hillsborough Road Park property.

Mayor Nelson stated that the Board had not decided on the final disposition of the house, but would notify Mr. Lessler when a decision is made.

CERTIFICATE OF APPRECIATION

Mayor Nelson presented a certificate of appreciation to Sophie Piesse for her service to the Town while serving on the Appearance Commission/Neighborhood Preservation District Commission.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE OCTOBER 9, 2001 MINUTES. VOTE: AFFIRMATIVE ALL

MID-SEPTEMBER TO MID-OCTOBER 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 September 16, 2001 through October 15, 2001was presented

A REQUEST TO ADOPT A BUDGET ORDINANCE

A budget amendment was required to transfer \$500 from contingency to the Recreation Department for programming of Make-A-Difference Day.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2001-02 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

A REQUEST TO AUTHORIZE THE PURCHASE OF A BACKHOE

The purpose of this agenda item was to authorize the purchase of a backhoe for the Public Works Department. The Board was requested to allow the Town to waive the formal bidding procedures using the streamlined piggybacking procedures allowed by the General Statutes (GS 143-129(g)). The Board was also requested to declare the 1988 Case 580K backhoe currently owned by the Town as surplus property and to authorize the use of this backhoe as a trade in for the new backhoe purchase.

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

A RESOLUTION DECLARING A BACKHOE AS SURPLUS PROPERTY AND AWARDING A CONTRACT FOR THE PURCHASE OF A NEW BACKHOE Resolution No. 34/2001-02

BE IT RESOLVED by the Board of Aldermen:

Section 1. That the 1988 Case 580K backhoe is declared as surplus property and may be used for trade-in purposes; and

Section 2. That a contract is awarded to Briggs Equipment Company for the purchase of a backhoe for a net cost of \$56,955.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 23rd day of October, 2001:

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

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO TRANSFER IMPERVIOUS SURFACE CAPACITY FROM ONE LOT TO ANOTHER IN CERTAIN DISTRICTS

Per Chris Conover, petitioner for this text amendment, the scheduled October 9 public hearing was delayed and the draft ordinance referred back to the Planning Board and Environmental Advisory Board for additional review. In order for this amendment, if approved, to be reviewed by the Water Quality Committee (WQC) of the Environmental Management Commission at their December meeting, a public hearing will need to be held on November 13, 2001. The WQC will not meet again until February 2002. The Planning Board, Environmental Advisory Board and OWASA are expected to complete their reviews by November 12. A resolution that sets a November 13 public hearing on amendments to the impervious surface provisions of the Land Use Ordinance was recommended for the Board's adoption.

The Board requested that a public hearing not be set for November 13th, but that the Board discuss this matter on November 13th and that the Planning Board and Environmental Advisory Board be invited to attend the meeting.

A REQUEST TO ADOPT A RESOLUTION CANCELING THE NOVEMBER 6TH BOARD MEETING

The Mayor and Board of Aldermen are requested to consider adopting a resolution that cancels the November 6^{th} meeting of the Board of Aldermen.

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

A RESOLUTION CANCELING THE NOVEMBER 6, 2001 MEETING OF THE BOARD OF ALDERMEN Resolution No. 41/2001-02

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN:

Section 1. The Mayor and Board of Aldermen hereby cancel the November 6th meeting of the Carrboro Board of Aldermen.

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 23rd day of October, 2001:

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

Noes: None

Absent or Excused: None

A REQUEST TO APPROVE A BUDGET ORDINANCE

The Board was requested to approve a transfer from the Capital Reserve Fund to the General Fund to reimburse OWASA for providing public sewer to an existing residence within the corporate limits of the Town. The Town, agreeing to this commitment in previous years, has set aside \$100,000 to fund this commitment. To date, two public sewer subsidy requests have been funded.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY ALLEN SPALT THAT THE TOWN STAFF IDENTIFY THE REMAINING UNSEWERED HOMES IN CARRBORO AND THAT THOSE RESIDENTS BE NOTIFIED OF THE EXISTENCE OF THE REIMBURSEMENT POLICY. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY-2001-02 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

<u>REQUEST TO SET 2002 JOINT PLANNING PUBLIC HEARING AND ASSEMBLY OF</u> <u>GOVERNMENTS MEETING DATES</u>

The Mayor and Board of Aldermen were requested to adopt a resolution setting Joint Planning Public Hearing and Assembly of Governments meeting dates for 2002.

The Board took no action on this matter.

MAKE A DIFFERENCE DAY

Alderman Dorosin stated that October 27th is Make a Difference Day and stated that work will take place at Charles House.

RESOLUTION SUPPORTING BOND PACKAGE

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION ENDORSING THE 2001 ORANGE COUNTY BOND REFERENDUM Resolution No. 45/2001-02

WHEREAS, the Carrboro Board of Aldermen has examined the Orange County Bond Package;

WHEREAS, the Board of Aldermen recognizes the need for schools, parks, affordable housing, and senior centers as proposed in the bond package.

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

Section 1. The Mayor and Board of Aldermen hereby endorse the proposed 2001 Orange County Bond Referendum scheduled for November 6, 2001.

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 23rd day of October, 2001:

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

Noes: None

Absent or Excused: None

PRESENTATION OF DOWNTOWN VISIONING PROPOSAL

Alderman Zaffron stated that Dan Burton with Walkable Communities would be presenting the Downtown Visioning proposal on Saturday, November 10th at 1:30 p.m. at the Century Hall and encouraged all participates in the visioning process to attend the presentation.

REPORT ON THE TOWN'S LEAST TOXIC INTEGRATED PEST MANAGEMENT PROGRAM

Chris Gerry, the Town's Landscape/Grounds Supervisor, reviewed a report on the Town's Least Toxic Integrated Pest Management Policy.

PUBLIC HEARING/VOLUNTARY ANNEXATION OF UNC PARK AND RIDE LOT

The purpose of this item was to receive citizens' comments regarding a petition for the voluntary annexation from the University of North Carolina for a portion of their property located off of University Lake Road proposed for a park and ride lot.

Frank Stallone, a resident of 405 Berryhill Drive, asked if the park and ride lot is needed and if a study has been made to consider the possible environmental impact on surrounding neighborhoods.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE UNC PARK AND RIDE PROPERTY." VOTE: AFFIRMATIVE ALL

VOLUNTARY ANNEXATION OF PHASE VI, WEXFORD SUBDIVISION

The purpose of this item was to receive citizens' comments regarding a petition for the voluntary annexation of Phase VI of the Wexford Subdivision.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASE VI OF THE WEXFORD SUBDIVISION." VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/BERRYHILL DRIVE CHAPEL HILL PARK AND RIDE FACILITY CONDITIONAL USE PERMIT/ AGREEMENT

Mr. Greg Shepard, with Phil Post & Associates, representing the Town of Chapel Hill, has submitted an application for a Conditional Use Permit (CUP) to allow a park and ride facility (Use 10.100) at 603 Berryhill Drive. The request consists of a parking lot with 437 parking spaces, several bike racks, some covered bus shelters and a bus turnaround/pick-up/drop-off area. 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.

Will Hines, with Sungate Design Group, was sworn in. Mr. Hines pointed out where the stormceptors will be located within the project.

Greg Shepard, with Phil Post & Associates, was sworn in. Mr. Shepard reviewed the list of advisory board recommendations and indicated whether or not they would agree to those recommendations.

Mary Lou Kuschatka, the Chapel Hill Transit Director was sworn in. Ms. Kuschatka addressed the need for the park and ride lot.

Carolyn Elfland, Associate Vice-Chancellor for UNC Auxiliary Services, was sworn in. Ms. Elfland stated that the UNC Development Plan shows the need for this proposed park and ride lot.

Josh Steinhurst, a resident of Poplar Place Apartments, affirmed that the evidence he was giving was the truth to the best of his knowledge. He expressed concern about the additional traffic at the Jones Ferry Road/Old Fayetteville Road intersection, expressed concern about light pollution from the site, and asked that in the future residents be notified of public hearings, rather than just property owners.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN 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 JOAL HALL BROUN 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 plans be revised to contain the 0.2 foot-candle on the subject property. If this requirement is met, the Administration further recommends that the height of the lights be increased to allow lights no taller than twenty-four (24) feet on this particular property.
- 4. That proposed sign be the size and design indicated on the plans.
- 5. That Anise Bush (Illicium floradanum or Illicium parbiflorum) should be substituted for the proposed Thorny Eleagnus (Eleagnus pungens).
- 6. That additional Eastern Red Cedar trees (Juniperus virginianna) would be preferred instead of the proposed Leyland Cypress trees (Cupressocyparis leylandi).
- 7. That the crepe myrtles that are provided within islands as part of the shading requirement for the site be replaced with trees that will be taller and less bushy at maturity in order to provide improved shading and security.
- 8. That an appropriate stormceptor maintenance schedule be provided and that reports as to compliance with the schedule be regularly provided.
- 9. That the project include east-west crosswalks across the central entry corridor of the parking lot at the front and rear of the corridor.
- 10. That the two (2) bus shelters, currently of the "medium" size be enlarged to the next "larger" size.
- 11. That a significant number of the parking spaces be designated for compact cars only and with them being sized appropriately.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT THAT A PORTION OF THE EVERGREEN TREES BE SCATTERED THROUGHOUT THE SITE. VOTE: AFFIRMATIVE ALL

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

The Board requested that the Agenda Planning Committee schedule a Board discussion of notifying property owners and renters.

REPORT ON THE "CARRBORO DEVELOPMENT GUIDE"

The Board of Aldermen, in a continued effort to be proactive in assisting the general public and development professions through the development review process, requested that staff work on creating a "guide" to assist citizens through the process. The Zoning Division of the Planning Department coordinated the compilation of information from various agencies and departments into the *Carrboro Development Guide*. The administration requested that the Board of Aldermen receive this guide.

Alderman Broun suggested that neighborhood citizens be included in notifications.

Alderman McDuffee suggested that a notification section be added to the guide.

Alderman Spalt suggested that wording be added to state that issuance of variances are very rare in Carrboro.

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

A RESOLUTION RECEIVING THE DOCUMENT ENTITLED: CARRBORO DEVELOPMENT GUIDE Resolution No. 40/2001-02

BE IT RESOLVED by the Aldermen of the Town of Carrboro that the Aldermen receive the document entitled:

CARRBORO DEVELOPMENT GUIDE

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 23rd day of October, 2001:

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

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT: PARKING RESTRICTIONS IN ROSEMARY STREET PARKING LOT

Stepney Edwards, a business owner in the vicinity of the Rosemary Street parking lot, has requested that a time restriction be established in order to limit long-term parking that has been occurring. An ordinance amending Chapter 6 of the Town Code to establish such parking limitations was recommended for the Board's adoption.

MOTION WAS MADE BY DIANA MCDUFFE AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO SPECIFY PARKING RESTRICTIONS IN THE ROSEMARY STREET PARKING LOT, *******

A REVIEW OF THE REQUEST-FOR-QUALIFICATIONS TO CONDUCT AN OPERATIONAL REVIEW OF TOWN SERVICES

The Board, on March 6, 2001, established a subcommittee of Board members to assist town staff with developing a Request for Qualifications (RFQ), seeking outside assistance to conduct an operational review of town services. The subcommittee and staff have prepared a draft RFQ for Board review. The Board was requested to provide staff direction on proceeding with the RFQ and on contents of the proposal.

Bing Roenigk, the Town's Assistant Town Manager, made the presentation.

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

A RESOLUTION APPROVING A REQUEST FOR PROPOSAL TO CONDUCT AN OPERATIONAL REVIEW OF TOWN SERVICES Resolution No. 39/2001-02

BE IT RESOLVED BY THE BOARD OF ALDERMEN:

Section 1. The Board, in approving the proposed RFQ for an operational review of town services, agrees with the subcommittee recommendation to focus the efforts of the review on determining the most effective organizational structure with the end product being a plan or model for maintaining current staffing levels.

Section 2. The Board directs staff to conduct the RFQ process and to bring a recommendation and contract to the full Board.

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 23rd day of October, 2001:

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

Noes: None

Absent or Excused: None

PRESENTATION OF QUARTERLY REPORTS FOR QUARTER ENDING SEPTEMBER 30, 2001

The purpose of this item was to present to the Mayor and Board of Aldermen quarterly reports for the quarter ending September 30, 2001.

<u>REVIEW OF 2001-02 ACTION AGENDA PROJECT DESCRIPTIONS (OCTOBER 2001-JANUARY 2002)</u>

The purpose of this item was to provide the Board with an opportunity to review descriptions of 2001-2002 *Action Agenda* projects scheduled for completion during the next quarter to determine if revisions are needed.

The Board members made the following revisions:

That the Community and Economic Development Director be added to #3, and that the word "paving" be added to the description of item #52

REQUEST FOR TRANSFER OF FUNDS

Mr. Morgan asked for authorization to transfer \$1,250 from the Contingency Fund to pay legal fees associated with the Pine Street development appeal.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO AUTHORIZE THE TRANSFER OF FUNDS. VOTE: AFFIRMATIVE ALL

RELOCATION OF SCULPTURE

Mr. Morgan requested authorization to place "Pythagoras" on the Town's property on North Greensboro Street located across the street from the Century Center between the two large oak trees.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY MARK DOROSIN TO AUTHORIZE THE PLACEMENT OF THE SCULPTURE AS RECOMMENDED BY THE MANAGER. VOTE: AFFIRMATIVE ALL

REPORT ON CHAPEL HILL'S HALLOWEEN EVENT

Mr. Morgan presented a report on Chapel Hill's plans to place roadblocks at its boundaries with Carrboro to discourage attendance at this year's Halloween event on Franklin Street.

REQUEST FOR REPORT ON PROTECTION OF THE CEDARS POND

Alderman McDuffee requested a report from the Town staff on the protection of and/or improvements to the pond located in The Cedars development.

REQUEST FOR SPEED LIMIT CHANGE ON NORTH GREENSBORO STREET

Alderman Broun requested that the Town staff request that NCDOT lower the speed limit on the portion of North Greensboro Street in the vicinity of Pine and Oak Streets.

It was the consensus of the Board to request that the Town staff forward a letter to NCDOT and that copies of the Town's previous request be provided to the Board members.

REQUEST FOR INFORMATION/GREENE TRACT MEETING

Alderman Zaffron requested that the Town Manager provide the Board's representatives on the Greene Tract Committee with copies of the materials to be discussed at the upcoming committee meeting.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS ACQUISITION OF PROPERTY. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk