

A regular meeting of the Board of Aldermen was convened in the Board Room of the Town Hall on April 26, 1983.

Present and Presiding:

Absent:

Mayor Pro Tem John Boone
Aldermen Steve Rose
Jim White
Ernie Patterson
Hilliard Caldwell
Joyce Garrett
Town Manager ~~Robert Drakeford~~
Richard Hunter

Robert Drakeford, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT THE MINUTES OF APRIL 12, 1983 BE APPROVED. VOTE: AFFIRMATIVE ALL

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APPOINTMENTS TO SUBCOMMITTEE ON HISTORIC DISTRICTS

Jay Bryan requested that the Board consider making appointments to the Subcommittee on Historic Districts as recommended by the Downtown Revitalization Task Force.

It was the concensus of the Board to schedule this matter for the Board's next session.

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REQUESTS TO SET PUBLIC HEARINGS

(1) Subject: Land Use Ordinance Amendment to Allow 8.400 Restaurants With Drive-In Service in a B-1 District

Mr. John Ralph of Raleigh requests a text amendment to the Land Use Ordinance to allow restaurants, bars, night clubs with drive-in service (8.400) in a B-1 general business district with a zoning permit.

The administration recommended that this application be accepted with a fee; that a public hearing be set for May 10, 1983; that the matter be referred to the Planning Board; and that the Town Attorney, in consultation with the Planning staff, draft an appropriate amendment to implement this request.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT THIS REQUEST TO SET A PUBLIC HEARING BE DENIED AND THAT THE APPLICATION BE RESUBMITTED AFTER THE MARKET STUDY CONSULTANTS HAS AN OPPORTUNITY TO LOOK AT THIS REQUEST. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (CALDWELL)

(2) Subject: Rezoning Request from Nick Watts for West Main Street Property from B-2 to B-1

Mr. Nick Watts of Carrboro requests a change in the Official Zoning Map to rezone properties at 501, 503, 503-A, and 503-B West Main Street from B-2 specialized commercial district to B-1 general business district.

The administration recommended that this rezoning request be accepted with a fee; that a public hearing be set for May 10, 1983; that the matter be referred to the Planning Board; and that the Town Attorney, in consultation with the Planning staff, draft an appropriate amendment to implement this request.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT A PUBLIC HEARING BE SET FOR MAY 10, 1983 AND THAT THE APPLICANT NOT BE CHARGED AN APPLICATION FEE. AFFIRMATIVE ALL

(3) Subject: Neighborhood Parks and Greenways Plan

The Board of Aldermen at its April 20, 1983 worksession, recommended that a public hearing be set to obtain citizens' views on the adoption of the Carrboro Neighborhood Parks and Greenways System Plan.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT A PUBLIC HEARING BE SET FOR MAY 10, 1983. VOTE: AFFIRMATIVE ALL

4) Subject: Land Use Ordinance Amendment/Reduction of Parking Spaces for Multi-Family Developments

Mike Brough stated that he had prepared an amendment to the Land Use Ordinance concerning reduction of parking requirements for some types of multi-family developments and to clarify the definition of handicapped or infirm institutions and requested that a public hearing be set for May 10, 1983.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT A PUBLIC HEARING BE SET FOR MAY 10, 1983. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/Land Use Ordinance Amendment to Allow 9.300 Gas Sales in a B-1 District

Mr. T.G. Goad of Raleigh requests a text amendment to the Land Use Ordinance to allow gasoline sales in the B-1 General Business District with a zoning permit.

The administration strongly recommended to the Board of Aldermen that action on this request be deferred until after the Market Study is completed so that all ramifications posed by the Land Use Ordinance amendment request can be fully considered in conjunction with the Market Study.

Sherry Jones, residing at 110 Elm Street, stated that she was in favor of delaying a decision on this matter until after the market study is completed. Ms. Jones stated she thought this land could be better utilized for some other type of business other than gas sales since there are so many other gas sales operations in the downtown area.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THIS PUBLIC HEARING BE CLOSED AND THAT THIS MATTER BE FORWARDED TO THE MARKET STUDY CONSULTANT AND THAT THIS MATTER BE RESCHEDULED FOR PUBLIC HEARING WHEN THE MARKET STUDY IS COMPLETED. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (CALDWELL)

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CONDITIONAL USE PERMIT APPLICATION/POPLAR WEST TOWNHOUSES

Intertal, Inc. is apply for a Conditional Use Permit which will allow an architecturally integrated subdivision with 22 residential townhouse units on a 3.76 acre tract at 502 West Poplar Avenue. The property is zoned R-10. The development is proposed to be constructed in six phases.

Roy Williford, Planning Director, was sworn in by the Town Clerk.

Mr. Williford presented the site plan for this project and stated that the administration was recommending approval of this request as submitted.

Mr. Williford stated that the Transportation Advisory Board was recommending approval of the request with the stipulation that a pedestrian sidewalk and bikeway be installed along the front of the property.

Douglas Sharer, residing at 501 W. Poplar Avenue, was sworn in by the Town Clerk. Mr. Sharer spoke in favor of the request, suggested that the town look into the possibility of having a bond referendum to provide sidewalks in town (especially along W. Poplar Avenue) and asked how the dumpsters would be screened in this project.

John McAdams, project engineer, was sorn in by the Town Clerk. Mr. McAdams stated that he thought the open space requirement was met by open space elsewhere on the site other than that which is on the east side of the tract. The developers specifically do not want to dedicate this space as open space in case the zoning changes some time in the future. This property could not be subdivided because it would make the development nonconforming and under the present zoning no building could be done.

MOTION WAS MADE BY STEVE ROSE THAT THIS PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JIM WHITE THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JIM WHITE THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT:

- 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 in the Carrboro Town Hall.
- 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 prior to approval of the final plat, the developer be required to give an easement appurtenant to the Brighton Square development to ensure bicycle and pedestrian access through the Brighton Square development.
- 4) That with respect to the dumpsters shown on the plans as screened on four sides, access be provided for residents to deposit garbage into the dumpsters without having to open the main gates.

VOTE: AFFIRMATIVE ALL

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LAUREL AVENUE EXTENSION

Chris Peterson, Public Works Director, stated that this project was requested by the citizens and constructed by the Nello Teer Co. The total project cost was \$37,310. The length of the street is 1,139 feet. The cost per foot for the property owners is \$9.82. The town's cost (40%) is \$6.55 per foot. In addition, Mr. Peterson stated that this per footage cost did not include a change order for \$1,393.07 which was used to construct a new driveway for Doris Foushee's property.

Doris Foushee expressed her concern that her driveway was constructed in such a way that she is unable to use it because of its steepness and stated that she would not pay her assessment until her driveway was reconstructed in such a way that it could be usable.

Mr. Hunter stated that it was the administration's recommendation to build up the end of this driveway but Ms. Foushee requested that this not be done because she wanted to be able to drive off the end of this driveway to drive around to her pool. Mr. Hunter stated that Ms. Foushee had indicated her approval of the way the driveway had been built until just recently. Mr. Hunter pointed out that the cost for this additional work was not included on the assessment roll.

John McAdams, the town's consulting engineer on this project, stated that he could understand Ms. Foushee's frustration about not being able to use her driveway because of its steepness. Mr. McAdams stated that he regreted that he did not prevail in some of the discussions that were held on the site. Mr. McAdams stated that he had met with Ms. Foushee on the site and their discussions centered around the steepness of the driveway and the need to do something about it. At this point the road had been graded, but the driveway had not been built. In building this road, the road was widened from what it had been before. In widening the road, the ditch on the far side was dug into deeper and broadened the road out on the side of Ms. Foushee's lot. In building the road cut it was brought out toward her property to a greater degree than had been the case before the construction and that left a lip close to her. One of the things done was to lower the road to some extent but it could not be lowered very far before there was not enough right-of-way on the other side of the road. Mr. McAdams stated that he met with Ms. Foushee and discussed tying in her driveway to the edge of the road. Mr. McAdams stated that Ms. Foushee expressed her desire that the driveway end at the natural grade level so that she could have service vehicle for her pool run right off the end of it. Mr. McAdams stated that Ms. Foushee prevailed in her desire to have the driveway built to end at her pool.

Dazzie Lane, resident of Laurel Avenue Extension, spoke on Doris Foushee's behalf stating that she thought something should be done about the steepness of her driveway.

Alderman Caldwell requested that the Board consider requesting the administration to have a staff representative assigned as project director on any future street improvement projects.

Ruth Strowd, residing at 109 Jones Ferry Road, stated that the deep along her property was very deep, that her yard was left uneven and requested that something be done to correct these situations.

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MOTION WAS MADE BY JOYCE GARRETT AND SECONDED BY HILLIARD CALDWELL THAT THIS PUBLIC HEARING BE CONTINUED ON MAY 10TH. VOTE: AFFIRMATIVE ALL

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BIM STREET

Mr. Peterson stated that the total cost for the Bim Street project is \$16,255 for a total street length of 1,098 feet. The cost to the citizens per foot is \$4.44. The town's share is \$2.96 per foot.

Ann Laudati stated that she thought it was unfair for residents of Bim Street to have to pay the same percentate of paving costs as other street residents since Bim Street is mainly a through street, not mainly a residential street. Ms. Laudati also stated that she had not received an assessment notice on but one piece of her property on Bim Street.

The Town Clerk explained that she had received by return mail on April 25, 1983, the assessment notice for Ms Laudati's other piece of property on Bim Street and explained that the Orange County tax map had James Knox and Ann Russell listed as the property owners of this lot (Map 98, K, 3) when the preliminary assessment roll was prepared.

Ann Hesla, a resident of Bim Street, stated that she had not received a notice before this project begun.

The Town Clerk stated that a notice was sent to Ms. Hesla at 204 Jones Ferry Road.

Mark Whitaker, a Bim Street property owner, spoke in favor of the assessment roll.

It was the concensus of the Board for the administration to begin sending assessment notices by certified mail to property owners.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JIM WHITE THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Steve Rose and duly seconded by Alderman Jim White.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL AND LEVYING ASSESSMENTS WITH RESPECT TO THE BIM STREET IMPROVEMENT PROJECT

WHEREAS, the Board of Aldermen of the Town of Carrboro has on this day held a public hearing, after due notice as required by law, on the assessment roll for the improvement project on Bim Street between Fidelity Street and Jones Ferry Road; and

WHEREAS, the Board of Aldermen has heard all those present who requested to be heard, and has found the said assessment roll to be proper and correct;

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

Section 1. The assessment roll for the street improvement project on Bim Street between Fidelity Street and Jones Ferry Road, in the Town of Carrboro, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with G.S. 160A-228.

Section 2. The Board does hereby levy assessments as contained in the final assessment roll dated March 14, 1983 (a copy of which is attached to and incorporated into this resolution), in the sum total of \$9,686.77.

Section 3. The town clerk is hereby directed to deliver the final assessment roll to the assistant tax collector.

Section 4. The assistant tax collector is hereby charged with the collection of the said assessments in accordance with the procedures established by G.S. 160A-232 and 233.

Section 5. After the expiration of twenty days from the date of adoption of this resolution the town clerk shall publish a notice that the assessment has been confirmed and that such assessments must either be paid (without interest) within thirty days after the date the notice is published or, if a property owner so chooses and notified the town finance officer in writing within the thirty day deadline, an assessment may be paid in five annual installments with interest at the rate of six percent on the outstanding principal balance.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this the 26th day of April, 1983; at approximately 9:00 p.m.

AYES: Rose, White, Boone, Caldwell, Patterson, Garrett

NOES: None

ABSENT OR EXCUSED: None

KING STREET

Mr. Peterson stated the total cost for the King Street improvement project is \$36,159, with a total street length of 640 feet. The cost to the citizens is \$16.95 per foot. The town's cost is \$11.30 per foot.

Carrie Bynum, residing at 201 King Street, requested that additional signage be installed at the end of King Street to warn motorists that the street is a dead end.

Ernest Minor, a resident of King Street, stated that he only has 47 feet of frontage on King Street instead of 78 as is listed on the assessment roll.

Bill Daniel, representing BCDR Properties, requested that BCDR be given relief from the assessments because this property does not benefit from the paving.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THIS PUBLIC HEARING BE CONTINUED ON MAY 10, 1983. VOTE: AFFIRMATIVE ALL.

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PUBLIC HEARING/Community Development Block Grant Application for Community Revitalization

The Board of Aldermen heard citizens' views on an application to the N.C. Department of Natural Resources and Community Development for the purpose of promoting community revitalization. The submission deadline for this funding cycle is May 2, 1983.

Gloria Williams, with JOCCA, spoke in reference to JOCCA's weatherization plan.

George Pendergrass asked if any property would be taken from residents in the target areas.

Mr. Hunter stated that no property would be taken from property owners.

Jay Bryan, speaking on behalf of Friends of Old Carrboro, spoke reference to a loan program his organization is proposing to offer to owners of Pre-World War II houses in Carrboro.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT THIS PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Ernie Patterson.

A RESOLUTION TO APPLY FOR FUNDS UNDER THE NORTH CAROLINA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND TO ADOPT A PROGRAM THEREFORE

WHEREAS, the Town of Carrboro is interested in making itself an excellent place for living and working for all its citizens and is anxious to work for the removal of all factors that make the accomplishment of such a goal difficult, including any causes and evidences of blight and deterioration; and

WHEREAS, the North Carolina Community Development Block Grant Program (authorized under the Housing and Community Development Act of 1974 as amended in 1981) offers incentives to local governments to develop viable communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low- and moderate-income; and

WHEREAS, the Town of Carrboro agrees that there is a need to continue a comprehensive and coordinated plan and program in order to meet its community development needs in the most effective manner;

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of Carrboro, that the Community Development Application for a Community Revitalization project and local option activities, and the contents therein (including all assurances) are hereby adopted; and, the Town of Carrboro will work diligently to implement the proposed program if these requested grant funds are awarded; and

BE IT FURTHER RESOLVED that Richard Hunter, Town Manager, is authorized to act as the official representative of the Town of Carrboro in connection with this application and to provide such additional information as may be required by the North Carolina Department of Natural Resources and Community Development.

Adopted this the 26th day of April, 1982, with the following vote:

AYES: Steve Rose, Jim White, John Boone, Hilliard Caldwell, Ernie Patterson, Joyce Garrett

NOES: None

ABSENT OR OR EXCUSED: None

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BANKING AGREEMENT

The present agreement for banking services has expired. After securing and reviewing proposals from each of the three banks in Carrboro, it is requested that the Board of Aldermen authorize the administration to enter into an agreement with NCNB to provide banking services for the Town of Carrboro. This would be a two-year agreement, beginning May 1, 1983.

The Law & Finance Committee at its meeting of April 19, 1983 recommended approval of this item.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT THE LAW & FINANCE COMMITTEE'S RECOMMENDATION BE ACCEPTED. VOTE: AFFIRMATIVE ALL

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AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR COMPUTER SERVICES

The administration has surveyed the computer needs for the Town of Carrboro. After receiving proposals from several vendors and sources, it would appear that the needs of the Town of Carrboro would be best met by accepting a proposal from Orange County. In this proposal, Orange County would provide all service and equipment necessary to put Carrboro on line with the computer located in Hillsborough for a one time initial payment of \$8,500 and a monthly fee of \$1,000. It is requested that the Board of Aldermen authorize the administration to enter into this agreement with Orange County.

The Law & Finance Committee at its meeting of April 19, 1983 recommended approval of the administration's request.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT THE LAW AND FINANCE COMMITTEE'S RECOMMENDATION BE ACCEPTED. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

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APPROPRIATIONS FOR A DOWNTOWN STUDY AND A WEATHERIZATION PROGRAM

The Board of Aldermen at its worksession on April 20, 1983 recommended the appropriation of \$25,000 to conduct a market analysis and a downtown revitalization plan and \$10,000 for JOCCA to administer and carry out a Weatherization Program. This action will authorize the Town Manager to enter into contracts with the consulting firm of Hammer, Siler and George Associates and JOCCA to perform these services.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO CONTRACTS WITH HAMMER, SILER AND GEORGE ASSOCIATES TO PERFORM A MARKET ANALYSIS AND A DOWNTOWN REVITALIZATION PLAN AND WITH JOCCA TO ADMINISTER AND CARRY OUT A WEATHERIZATION PROGRAM AND THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY' 82-83 BUDGET ORDINANCE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

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SPECIAL LEGISLATION

At the Board of Aldermen's worksession on April 20, 1983, it was the concensus of the Board to request the town's legislative delegation to add the Town of Carrboro to the proposed bill that would authorize the Town of Chapel Hill to reserve street rights-of-way for a period up to sixty days when land containing such rights-of-way is proposed for development.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT THE TOWN ATTORNEY BE DIRECTED TO FORWARD THIS SPECIAL LEGISLATION TO THE TOWN'S LEGISLATIVE DELEGATION. VOTE: AFFIRMATIVE ALL

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MEMORANDUM OF UNDERSTANDING

Steve Rose requested that the following resolution be re-adopted by the Board in order that a representative from UNC be allowed to participate in this process.

RESOLUTION PASSED BY THE TOWN BOARD OF ALDERMEN OF THE TOWN OF CARRBORO, NORTH CAROLINA

The following resolution was offered by Steve Rose and seconded by Hilliard Caldwell and upon being put to a vote was carried unaniusly on the 26th day of April, 1983:

THAT WHEREAS, it is recognized that the proper movement of travel within and through the Durham-Chapel Hill-Carrboro Urban Area is a highly desirable element of a

comprehensive plan for the orderly growth and development of the area; and

WHEREAS, there are a number of governmental jurisdiction within the Durham-Chapel Hill-Carrboro Urban Area which have been authorized implementation and regulatory responsibilities for transportatation by North Carolina General Statutes; and

WHEREAS, it is desirable that a coordinated, comprehensive, and cooperative transportation planning process be maintained in the Durham-Chapel Hill-Carrboro Urban Area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety, and welfare; and

WHEREAS, a Memorandum of Understanding between the City of Durham, Town of Chapel Hill, Town of Carrboro, the County of Durham, the County of Orange, and North Carolina Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process; and

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF ALDERMEN OF THE TOWN OF CARRBORO, NORTH CAROLINA

That the Memorandum of Understanding between the City of Durham, Town of Chapel Hill, Town of Carrboro, the County of Durham, the County of Orange, and North Carolina Board of Transportation, agreement number 2-22-83, be approved and that the Mayor and Town Clerk are hereby directed to execute the Memorandum of Understanding.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of April, 1983:

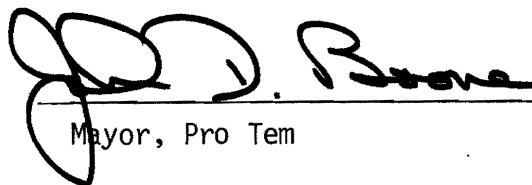
AYES: White, Rose, Boone, Calewell, Patterson, Garrett

NOES: None

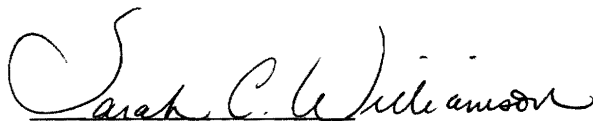
ABSENT OR EXCUSED: None

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There being no further business, the meeting was adjourned.



Mayor, Pro Tem



Town Clerk