

A regular meeting of the Board of Aldermen of the Town of Carrboro was convened in the Board Room of the Town Hall on May 10, 1983.

Present and presiding:

Mayor	Robert Drakeford
Aldermen	Joyce Garrett
	Ernie Patterson
	Hilliard Caldwell
	Jim White
	John Boone
	Steve Rose
Town Manager	Richard Hunter
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Approval of Minutes of Previous Meeting

Motion was made by John Boone and seconded by Jim White that the minutes of April 24, 1983 be approved. Vote. Affirmative all.

Request to Set Public Hearing/C.D. Application for Economic Development Projects

The N.C. Department of Natural Resources has set a deadline of June 15, 1983 for Community Development Block Grant applications to fund Economic Development projects. The State requires that two public hearings be held by the Board of Aldermen prior to submission of an application for CD funds.

The Administration requests that the initial public hearing be set for May 24, 1983, and that the final public hearing on the CD application be set for June 8, 1983, at a special meeting combined with the worksession.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE REQUESTED PUBLIC HEARINGS BE SET. VOTE: AFFIRMATIVE ALL

Martin Luther King Twentieth Anniversary Commemoration Letter

Mr. Lightning Brown requested the Board's signature on a letter commemorating the twentieth anniversary of Martin Luther King's March on Washington.

Petition Opposing Industrial Development in Watershed

Mr. George Sanford presented a petition to the Board in opposition to further industrial development in the University Lake Watershed.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE PETITION BE ACCEPTED. VOTE: AFFIRMATIVE ALL.

Construction Noise

Ester Surells, a resident of Fidelity Street, expressed her concern over the amount of noise and duration of noise being produced at the construction site on Fidelity Street.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THIS MATTER BE REFERRED TO TOWN ATTORNEY AND THE ADMINISTRATION FOR INVESTIGATION. VOTE: AFFIRMATIVE ALL.

Continuing of Public Hearing on Assessment Rolls for Laural Avenue Extension and King Street

King Street

Mr. Brough stated that he had researched the matter of footage to be assess to Ernest Minor's property and had discovered that the Minor's actually have a footage of 48 feet on King Street rather than the 78.6 feet shown on the tax maps. In addition, the assessable footage for the Royal Park Apartments should be 614.8 rather than 659.

Mr. Brough stated that in July of 1982, when the Board adopted a revised assessment policy, the Board specifically withheld a decision on whether to apply the policy of providing for a corner lot exemption when an assessment project is undertaken along both sides of a corner lot when the assessment projects on the intersecting streets are done at different times. Mr. Brough stated that if the Board chose to adopt a policy on this matter at this time, the Minor's property would be affected.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JOHN BOONE THAT MR. MINOR BE ASSESSED ONLY FOR 12 FEET, THAT BCDR, LTD. BE ASSESSED FROM 614.8 FEET BASED ON \$16.95 PER FRONT FOOT WITH THE TOWN ABSORBING THE DIFFERENCE IN COST RATHER THAN THE REMAINING PROPERTY OWNERS. VOTE: AFFIRMATIVE ALL.

The following resolution was introduced by Alderman Jim White and duly seconded by Alderman John Boone.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL AND LEVYING ASSESSMENTS WITH RESPECT TO THE KING 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 King Street between Barnes Street and Allen Street; 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 King Street between Barnes Street and Allen Street, in the Town Hall of Carrboro, North Carolina, 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 \$19,451.82.

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 10th day of May, 1983; at

AYES: Rose, White, Boone, Caldwell, Patterson, Garrett
NOES: None
ABSENT OR EXCUSED: None

Laurel Avenue Extension

Mr. Brough stated that he had researched the issue whether the town has any legal responsibility to make any improvements to Doris Foushee's property. In the most recent Supreme Court case (Smith v. State Highway Commission) the Court ruled that the Highway Commission was not liable when it raised the grade of a street in front of the plaintiff's property some 6 to 12 feet and the property owner sued for the resulting damages. In Mrs. Foushee's case, there is no constitutional or statutory provision that would require compensation to Ms. Foushee, nor is there any evidence of any negligence in the manner or method of doing the work, and therefore the town is not liable to Mrs. Foushee for any injury to her property resulting from raising of the street grade.

Doris Foushee stated that her driveway was inaccessible to her house as it presently exists and that she wanted the town to make it accessible to her. John McAdams, the town's consulting engineer, stated that it was his intention to raise the entire grade

of the driveway, but that would leave the end of the driveway with a steep slope. On the site with the property owner, Mrs. Foushee stated that this proposal would not be acceptable because service vehicles would need to get to the back of her property and drive off the end of that. Mr. McAdams stated that he expressed his concern to Mrs. Foushee that the driveway would then be too steep. Mr. McAdams stated that he did not prevail in his opinion that the driveway ought to be built the way he intended that it be built. Mrs. Foushee prevailed and the drive was built the way she wanted it built.

Mr. McAdams stated that there are two alternatives for modifications to Mrs. Foushee's driveway: (1) raise the end of the driveway to reduce the slope; stop the driveway where it now ends; having a 2:1 fill slope off the end of the driveway for a cost of approximately \$2,116; or (2) raise the driveway and lengthen it, so that it ends at the grade of the natural ground for an approximation cost of \$2,788.

The following resolution was introduced by Alderman Steve Rose and duly seconded by Alderman Ernie Patterson.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL AND LEVYING ASSESSMENTS WITH RESPECT TO THE LAUREL AVENUE EXTENSION 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 Laoreal Avenue Extension between Jones Ferry Road and a dead end; 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 of the street improvement project on Laurel Avenue Extension between Jones Ferry Road and a dead end, 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 \$22,389.60.

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 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 notifies 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 10th day of May, 1983, at 8:30 p.m.

AYES: Rose, White, Boone, Caldwell, Patterson, Garrett
NOES: None
ABSENT OR EXCUSED: None

It was the concensus of the Board to place the matter of Mrs. Foushee's driveway on the next agenda of the Board.

Public Hearing/Rezoning Request from Nick Watts for West Main Street Property From B-2 to B-1

Mr. Nick Watts of Carrboro requested 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 recommends that a larger area, which includes lots 98-A-7, 98-B-1, 98-C-1 and 103-E-7, be combined with the area requested by the applicant to be rezoned from B-2 to B-1. This would assure consistency with the Commercial Rezoning proposal and would assure that the applicant's request would not be interpreted as a form of

5 4
"spot zoning". The larger area, which includes the property requested for rezoning by the applicant, should be advertised and rezoned from B-2 to B-1 in its entirety.

Roy Williford, the towns planning director, reiterated the administration's recommendations and stated that the Planning Board was recommending that Mr. Watt's property not be rezoned and that this matter be considered after the market study is completed and the comprehensive commercial rezoning has been accepted or rejected but not later than November 1, 1983.

Nick Watts, applicant, requested that the Board take action on his request at tonight's meeting.

Eleanor Kinnaird, a W. Poplar Avenue resident, spoke against the requested rezoning stating that she thought this area should be reserved for small businesses of the nature that presently exists.

Sherry Jones, representing the Commercial Rezoning Ad Hoc Committee, stated that her committee was recommending that this rezoning be delayed until after the market study is completed.

Jay Bryan stated that he did not see why a decision of this rezoning should be made at this time when the Board had delayed King any action on other rezoning requests within the central business district.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF PROPERTY LOCATED AT 501, 503-A, and 503-B WEST MAIN STREET AND REFERRED TO AS TAX MAP 98, BLOCK A, LOTS 6, 6A AND 9 FROM B-2 TO B-1," BE ADOPTED AND THAT A PUBLIC HEARING BE SET FOR MAY 24, 1983 TO CONSIDER REZONING LOTS 98-A-6, 98-B-1, 98-C-1 AND 103-E-7 FROM B-2 TO B-1. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (ROSE, PATTERSON, GARRETT) MAYOR DRAKEFORD CAST AN AFFIRMATIVE VOTE.

Public Hearing/Neighborhood Parks and Greenways System Plan

The purpose of this hearing was to obtain citizens' views as well as the views of the property owners on the adoption of a Neighborhood Parks and Greenways System Plan.

Roy Williford, Planning Director, stated that the proposed Neighborhood Parks and Greenways Plan stated that an adopted Neighborhood Parks and Greenways System Plan is needed in order to establish the proposed location and site criteria for parks and greenways and in order to accommodate the review of developments in keeping with Section 15-280 of the Carrboro Land Use Ordinance.

Mr. Williford further stated that an adopted Neighborhood Parks and Greenways Plan will set forth the location and design of these facilities in advance and will effectuate their implementation over time. The significance of having the plan adopted by the Town is twofold:

- (1) If property is included in the parks and greenways system plan, then the Carrboro Land Use Ordinance requires an area (up to 5% of the total area of the property) shown as part of a parks and greenways plan to be dedicated to the Town as a part of the development of the property but only when property is developed; and
- (2) Proposed greenways and parks would constitute a designation of areas which the Town can accept in advance of development if the owner so desires. This would qualify the property owners to take advantage of tax deductions permitted by the IRS for gifts or donations to the Town. The portion of property donated would also no longer be subject to property tax.

Wayne Lacock, Rt. 5, Box 85, Chapel Hill, property owners off Old Fayetteville Road, stated he and his family operate a small farm on this property and have no intention of giving the town land for a greenway.

James Gemmell, a Stoneybrook resident and President of the Stoneybrook homeowners' association, spoke against the greenway system stating that Stoneybrook development has its own trails and expressed his concern about security if a greenway was opened up along the creek behind their development.

Bill Luckey, property owner in Stoneybrook, spoke against the greenway system and expressed his concern about security if a greenway were opened up.

Mrs. Reece Berryhill, property owner off Smith Level Road, spoke against the proposed greenway system and neighborhood parks plan stating that she already has problems with security on her property. Mrs. Berryhill also stated that she would be in favor of a buffer zone along the creek as long as it was not opened to the public.

P.H. Craig, property owner off Seawell School Road, spoke in opposition to the proposed parks and greenways plans stating that he already has problems with people coming on his land for unlawful purposes and would not want to give his permission for such activity by opening up a greenway. Mr. Craig also stated that the area designated for a park on his property is located on the most valuable portion of his property and would appear to be inaccessible from any road.

Richard Ellington, a Barington Hills resident, spoke in opposition to public open space because he thought these were extensions of the Community Park and were not needed.

Douglas Sharer, residing at 501 W. Poplar Avenue, spoke in favor of greenways as long as motor vehicles were prohibited on them.

Bob Cheshire, a resident of Stoneybrook, clarified that individual property owners who did not plan to subdivide or development their property would not be required to donate property to the town for greenways or parks.

Arlon Kemple, resident of Bolin Forest, spoke in favor of greenways with public access.

Karen Long, a Bolin Forest resident, spoke in favor of greenways.

Eleanor Kinnaird, a West Poplar Avenue resident, spoke in favor of greenways.

Bruce Browning, a potential developer along Highway 54 By-Pass, asked if the town would work with individual property owners to work out the best arrangement for greenways and parks. If so, he would be in favor of greensways without public access.

Bob Anderson, developer of Bolin Forest, spoke in favor of greenways if developers were allowed flexibility in the placement of the greenways.

Ben Grantham, a resident of Lindsay Street, spoke against the division of private property for public use.

Doug Anderson, a resident of Lindsay Street, spoke in favor of greenways as long as they do not have public access, but spoke against requiring property to be donated.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY STEVE ROSE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT THIS MATTER BE REFERRED TO THE BOARD'S NEXT WORKSESSION. VOTE: AFFIRMATIVE ALL

The Board requested that affected property owners be notified in writing of this meeting date.

Public Hearing/Miscellaneous Land Use Ordinance Amendments

The Board of Aldermen heard citizens' views on an ordinance amending the Carrboro Land Use Ordinance to provide that Architecturally Integrated Residential Subdivisions shall be treated the same as multi-family developments; to clarify maintenance responsibilities for hydrants installed by developers within street rights-of-way or on private property; to reduce the parking requirements for some types of multi-family developments; to clarify the definition of handicapped or infirmed institutions; and to make other miscellaneous changes.

The administration recommended that the two ordinances to amend the Land Use Ordinance be adopted.

Mike Brough explained the proposed ordinance.

Ron Wells with Wells Management Group, stated that he did not think multi-family parking requirements should apply to architecturally integrated subdivisions.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY HILLIAD CALDWELL THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT MOST ARCHITECTURALLY INTEGRATED RESIDENTIAL SUBDIVISIONS SHALL BE TREATED THE SAME AS MULTI-FAMILY DEVELOPMENTS, TO REDUCE THE PARKING REQUIREMENTS FOR SOME TYPES OF MULTI-FAMILY DEVELOPMENTS, TO CLARIFY THE MAINTENANCE RESPONSIBILITES FOR HYDRANTS INSTALLED BY DEVELOPERS WITHIN STREET RIGHTS-OF-WAY OR ON PRIVATE PROPERTY, TO CLARIFY THE DEFINITIONS OF HANDICAPPED OR INFIRM HOMES AND INSTITUTIONS, AND TO MAKE OTHER MISCELLANEOUS MINOR CHANGES," BE ADOPTED. VOTE: AFFIRMATIVE ALL

5 6
Summer Employment for Teenagers

An organization entitled, "Summer Employment for Teenagers" has applied for funding totaling \$3,000. This represents a portion of a proposed \$13,009 budget. The object of the program is to "facilitate in helping area teenagers find meaningful summer employment." The administration recommends consideration of this request for possible funding at some level during Fiscal 1982-83.

The Law and Finance Committee at its meeting of May 3, 1983 recommended that \$1,200 be appropriated from the Contingency Fund to fund this organization during FY 82-83 and that the Board be requested to give high priority to including an additional \$1,200 in the FY '83-84' budget for this organization.

Alderman Garrett suggested that the Board donate funds for this program rather than using town funds.

Rev. Willis Wilson spoke in favor of the program.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY HILLIARD CALDWELL THAT AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY '82-83 BUDGET ORDINANCE," BE ADOPTED TRANSFERRING \$1,200 FROM THE CONTINGENCY FUND TO THE SUMMER EMPLOYMENT OF TEENAGERS PROGRAM. VOTE: AFFIRMATIVE ALL

Appointment to Subcommittee on Historic Districts

The Blue Ribbon Downtown Revitalization Task Force was asked by the Board of Aldermen to suggest the names of people to serve on a Subcommittee on Historic Districts.

The Task Force recommended the appointment of: Larry Hayes, Lloyd Senter, Jay Bryan, Claudia Roberts, Billy Andrews, and Sherry Jones.

The Board of Aldermen at its worksession on May 4, 1983 approved the recommendation of the Task Force and also recommended that the administration be directed to send a letter to the merchants of the East Main Street area asking if any of them would be interested in serving on either the Downtown Revitalization Task Force or the Subcommittee on Historic Districts.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT LARRY HAYES, LLOYD SENTER, JAY BRYAN, CLAUDIA ROBERTS, BILLY ANDREWS AND SHERRY JONES BE APPOINTED TO THE SUBCOMMITTEE ON HISTORIC DISTRICTS. VOTE: AFFIRMATIVE ALL

Appointment to Board of Adjustment


MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT REV. WILLIS WILSON BE APPOINTED TO THE BOARD OF ADJUSTMENT. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (GARRETT, WHITE).


Presentation of FY '83-84 Preliminary Budget

Mr. Hunter presented the preliminary budget for FY '83-84 which proposed no tax rate increase. Mr. Hunter requested the Board to strongly consider an additional tax of \$.02/\$100 valuation. This would increase the overall tax rate of \$.715/\$100 and produce an estimated \$31,536 in revenues. These new revenues are requested to provide merit increases for our most deserving employees and purchase four new vehicles on a 3-year lease purchase plan (two police cars, a sanitation vehicle and a park maintenance vehicle).

The Board set the budget worksessions for May 23rd (Planning and Public Works), and June 2nd (Police and Fire). It was the concerns of the Board to set budget hearings on the remaining budgets at its worksession on May 23rd.

There being no further business, the meeting was adjourned.


Town Clerk


Mayor