

September 13, 1983

Present and presiding:

Mayor	Robert W. Drakeford
Aldermen	Joyce Garrett
	Ernie Patterson
	Hilliard Caldwell
	John Boone
	Jim White
	Steve Rose
Town Manager	Richard F. Hunter
Town Attorney	Michael B. Brough
Deputy Town Clerk	Caroline Stuck

Absent:

Town Clerk	Sarah C. Williamson
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APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MINUTES OF JULY 26, AND AUGUST 2, 1983 BE APPROVED WITH NECESSARY CORRECTIONS. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/ALABAMA AVENUE PAVING PROJECT

In order to proceed with the Alabama Avenue paving project, it is necessary for the Board of Aldermen to hold a public hearing for the purpose of hearing all interested persons who appear with respect to this matter. If the Board determines that this paving project should be undertaken, a resolution directing the work will need to be adopted.

Chris Peterson, Public Works Director, presented the bids obtained for this project. Those bids were as follows:

- 1. Mellott Trucking Co.-----\$38,718.05
- 2. Lee Paving Co.-----\$40,283.25
- 3. C.C. Mangum-----\$48,374.65
- 4. Nello Teer Co.-----\$51,016.80

Mr. Peterson stated that the town's engineer was recommending that the bid be awarded to Mellott Trucking Co. In addition, Mr. Peterson stated that engineering costs would be \$3,400.00 with a 3% contingency for a total project cost of \$43,279.60. Mr. Peterson stated that the 1983-84 budget allocated \$36,000.00 for this project. Therefore, the administration recommended that the additional funds needed be transferred from General Revenue Sharing funds.

Mr. Peterson further stated that based on the above costs, residents of Alabama Avenue should expect to pay \$17.71 per front foot and the town's share would be \$11.81 per front foot.

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

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Ernie Patterson.

A RESOLUTION DIRECTING THAT THE ALABAMA AVENUE STREET IMPROVEMENT PROJECT BE UNDERTAKEN

WHEREAS, the town has received a petition requesting that Alabama Avenue between Jones Ferry Road and the dead end be improved in the following manner: curbs, gutters, drainage improvements and standard street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who own at least a majority of the lineal feet of frontage on the street to be improved; and

WHEREAS, a preliminary assessment resolution has been adopted by the Board and a public hearing duly held thereon;

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

Section 1. The manager shall proceed with the following street improvement project as provided by law: curb, gutters drainage improvements and standard street paving.

Section 2. Sixty percent of the total cost of this improvement (not including the costs of paving at street intersections) shall be assessed against the properties that abutt the street improvements at an equal rate per foot of frontage. However, when a project is undertaken along two sides of a corner lot, 75% of the frontage of the shorter side of such lot, up to a maximum of 125 feet, shall be exempt from assessment.

Section 3. The owners of property assessed shall, within thirty days after publication of the notice that the assessment roll has been confirmed, either pay the full amount of the assessment in cash or notify the town of their election to pay the assessed amount in five annual installments with interest at the rate of eight percent on the unpaid principal amount. If payment on an installment basis is chosen, the first installment and interest shall be due and payable on the same date in each succeeding year until the assessment is paid in full.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of September, 1983:

Ayes: Garrett, Patterson, Caldwell, Boone, White, Rose  
Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ERNIE PATTERSON THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING FY'83-84 BUDGET ORDINANCE" BE ADOPTED TRANSFERRING \$7,280.00 FROM REVENUE SHARING TO THE PUBLIC WORKS STREET MAINTENANCE ACCOUNT. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/WATER QUALITY TASK FORCE REPORT

The Water Quality Task Force presented its report and recommendations as set out in the Carrboro Water Quality Task Force Report and Recommendations, with addendum, July, 1983. The Task Force requested that the report including policies and strategies set out therein, be officially adopted. The administration requested that the land within the watershed be rezoned, the zoning map be amended, and standards and requirements as set out in the Carrboro Land Use Ordinance be amended to reflect the recommendations of the report.

Alderman Rose recapped the history of the Water Quality Task Force and its report. Alderman Rose stated that the public hearing tonight was to receive citizen input on the original report of the Water Quality Task Force in addition to the latest changes to that report.

Jerry Davenport, town planner, addressed the Board explaining the proposed zoning, the changes proposed in the addendum and outlined the amended portions of the Land Use Ordinance.

Joe Straley, a member of the Chapel Hill Town Council, presented the Chapel Hill Town Council's recommendations on the Water Quality Task Force report. Those recommendations were as follows:

a. There should be no expansion in area or intensity of the present industrial zone and any actual uses of that zone should be monitored carefully, from time to time, to ensure they remain as "dry," non-hazardous, and/or non-toxic industries.

b. That no new areas be zoned for industrial use in the University Lake watershed.

c. That public sanitary sewers should not be further extended into the watershed area and therefore cluster development is inappropriate.

d. That the conservation district be increased to provide more buffer zone.

e. That residential development be on lots with not less than five acres per dwelling unit.

Anneliese Kennedy, a Carrboro resident, spoke in favor of creating even wider buffers around the lake, particularly in the R-80 areas.

Everett Thomas, a Carrboro resident, spoke against any industry being located in the watershed.

Banks Cline, representing Southern Bell Telephone Co., stated that Southern Bell agrees with the 25% usage figure with their zoning (B-5).

Margaret Holton recommended that the Board pass the ordinance as proposed. She further recommended that the Board of Aldermen urge the development of Cane Creek.

Valene Carter, President of the Chapel Hill-Carrboro League of Women Voters, expressed the support of her group on the passage of the ordinance as proposed.

Blair Pollock, a Carrboro resident, spoke in favor of the Board of Alderman considering the good of the entire community.

Robert Creed, representing the Research Triangle Sierra Club, stated that his organization was in support of the Task Force's report and urged the Board of Aldermen to approve those recommendations.

October Islands, a Carrboro resident, stated that further controls may be needed later but that she recommended the Board adopt the ordinance before it in the meantime.

Doug Sharer, residing at 501 W. Poplar Ave., urged the Board to adopt the proposed ordinances and recommended the town continue to monitor the water quality situation.

Aldermen Rose introduced two letters in support of the recommendations of the Task Force, one from Dr. Dirk J. Spruyt of Chapel Hill and the other from Alan Johnson. (See Town Clerk's file of this meeting for a copy of these letters.)

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY HILLIARD CALDWELL THAT THE WATER QUALITY TASK FORCE REPORT AND ADDENDUM BE ADOPTED AS THE TASK FORCE OFFICIAL REPORT, THAT THE ORDINANCE ENTITLED, "AN ORDINANCE TO AMEND THE OFFICIAL CARRBORO ZONING MAP" BE ADOPTED, AND THAT THE ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO IMPLEMENT THE RECOMMENDATIONS OF THE WATER QUALITY TASK FORCE" BE ADOPTED. BOTH ORDINANCES TO BECOME EFFECTIVE WHEN ORANGE COUNTY ADOPTS THE RECOMMENDED AMENDMENTS TO THE SEDIMENTATION AND EROSION CONTROL ORDINANCE. VOTE: AFFIRMATIVE ALL

(Note this ordinance will come back before the Board of Aldermen if Orange County makes any changes to it.)

It was the concensus of the Board to set a public hearing for September 27, 1983 to consider rezoning the Southern Bell property on Old Fayetteville Road from W (and from the recommended R-40) to B-5 Watershed Commercial.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JIM WHITE THAT OWASA BE ASKED TO SERIOUSLY CONSIDER THE PURCHASE OF ADDITIONAL LAND AROUND UNIVERSITY LAKE AS A CONSERVATION BUFFER. FURTHER, IF CANE CREEK IS APPROVED, THAT OWASA BE REQUESTED TO PURCHASE LAND AROUND THE CREEK LEADING FROM CANE CREEK TO UNIVERSITY LAKE TO PROVIDE A BUFFER AREA. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/ANNEXATION OF PHASE II AND TENNIS CLUB ESTATES OF THE WEATHERHILL SUBDIVISION

This was a public hearing to receive citizen comments on a request from Wells Management Group to annex Phase II and the Tennis Club Estates of the Weatherhill Subdivision.

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

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE AREA KNOWN AS WEATHERHILL PHASE II" AND THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE AREA KNOWN AS WEATHERHILL TENNIS CLUB ESTATES" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/PARKING SPACE DIMENSION REQUIREMENTS

The Carrboro Planning Board requests the Land Use Ordinance be amended to increase the percentage of subcompact car spaces but increase the size of the subcompact space, to decrease standard car spaces and require notice of exclusive use of each, and to make provisions for motorcycle pads.

Jerry Davenport, town planner, explained the ordinance changes.

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

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CHANGE THE SIZE OF PARKING SPACES AND TO INCREASE THE PERCENTAGE OF SPACES THAT MAY BE DEVELOPED FOR SUBCOMPACT CARS" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/BUILDING HEIGHT EXCEPTIONS

This was a continuation of a public hearing on an amendment to the Land Use Ordinance to provide an exception to the building height limitations for a number of structural features, including chimneys, flagpoles, elevator shafts, solar collectors, heating and air conditioning equipment. (The extent of the exception to be limited to 20% increase in building height or 15 feet, whichever is greater.) And, to determine if the exception should be available to persons who have received a variance.

Mike Brough explained the two alternative ordinances to the Board.

Betsy Justice, residing at 103 Walden Drive, urged the adoption of Alternative #1 and the recommendation for more stringent review, as proposed by the Board of Adjustment.

Lloyd Senter, residing at 212 Hillsborough Road, spoke in favor of Alternative #2.

Celia Pistolis spoke in favor of Alternative #1.

Jay Bryan, a Carrboro resident, recommended that the word "substantially" be removed from paragraph c.

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 ERNIE PATTERSON THAT ALTERNATIVE #1 BE APPROVED WITH THE FOLLOWING CHANGES: THAT THE WORD "MATERIALLY" BE SUBSTITUTED FOR THE WORD "SUBSTANTIALLY" IN PARAGRAPH (c) AND THAT FOLLOWING LANGUAGE BE INSERTED IN PARAGRAPH (c) AFTER THE WORD "AUTHORITY": "OR THE BOARD OF ADJUSTMENT IF THE PERMIT-ISSUING AUTHORITY IS THE ZONING ADMINISTRATOR". VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOYCE GARRETT AND SECONDED BY ERNIE PATTERSON THAT THE PREVIOUS MOTION BE RECONSIDERED. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (PATTERSON, ROSE)

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE PREVIOUS MOTION MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON TO APPROVE ALTERNATIVE #1 WITH THE NOTED CHANGES BE RE-ADOPTED. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MAYOR DRAKEFORD CAST AN AFFIRMATIVE VOTE.)

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#### MUTUAL AID AGREEMENT WITH RALEIGH POLICE DEPARTMENT

In order to allow the Carrboro Police Department and the Raleigh Police Department to provide law enforcement assistance to each other, the administration and Law & Finance Committee recommended approval of a mutual aid agreement.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE

THAT THE ADMINISTRATION BE AUTHORIZED TO ENTER INTO SUCH AN AGREEMENT. VOTE: AFFIRMATIVE ALL

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MUTUAL AID AGREEMENT WITH ORANGE COUNTY SHERIFF'S DEPARTMENT

In order to allow the Carrboro Police Department and the Orange County Sheriff's Department to provide law enforcement assistance to each other, the administration and Law & Finance Committee recommended approval of a mutual aid agreement.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE ADMINISTRATION BE AUTHORIZED TO ENTER INTO SUCH AN AGREEMENT. VOTE: AFFIRMATIVE ALL

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VEHICLE PURCHASE CONTRACT

The Board of Aldermen authorized, in the 1983-84 budget, the purchase of three new vehicles. The actual cost of these vehicles total \$26,629.75, not including sales tax. A lease/purchase contract would require an initial payment of \$9,795.64 at time of delivery and two subsequent annual payments in the same amount.

The administration and Law & Finance Committee recommended adoption of a resolution authorizing the town to enter into a conditional sales contract to purchase these vehicles.

The following resolution was introduced by Alderman Jim White and duly seconded by Alderman Ernie Patterson.

A RESOLUTION AUTHORIZING A CONDITIONAL SALES CONTRACT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Town Manager is hereby authorized and directed to enter into, execute and deliver on behalf of the town, a conditional sales contract (at an annual percentage rate of 10 3/4%), and such other documentation required, with First & Merchants Leasing Corporation whereby this town will purchase the equipment described in said Conditional Sales Contract.

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 13th day of September, 1983:

Ayes: Garrett, Caldwell, Patterson, White, Rose, Boone  
Noes: None  
Absent or Excused: None

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CODIFICATION OF WATER CONSERVATION ORDINANCE

When the present Town Code was adopted on July 28, 1981, the ordinance entitled, "An Ordinance Providing for the Conservation of Water During a Water Shortage, and Restricting the Use of Water During More Severe Shortages" was not included in the code.

The administration and Law & Finance Committee recommended adoption of the ordinance entitled, "An Ordinance Codifying the Previously Adopted Water Conservation Ordinance" in order that the water conservation ordinance might be included in the present Town Code.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE CODIFYING THE PREVIOUSLY ADOPTED WATER CONSERVATION ORDINANCE" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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MORATORIUM ON WATER TAPS

Mr. Hunter informed the Board of OWASA's intent to adopt a resolution establishing a temporary moratorium on additional water taps to the utility distribution system for development projects. Mr. Hunter stated that OWASA is proposing that this moratorium be in effect for 90 days or until lake levels reach sufficient quantities to lift all conservation restrictions.

It was the concensus of the Board to request the OWASA Board of Directors to conduct a public hearing prior to the enactment of such a moratorium since such a moratorium could possibly have detrimental effects on development projects already under construction.

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LOCAL OPTION SALES TAX

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE ORANGE COUNTY COMMISSIONERS BE REQUESTED TO SET A REFERENDUM FOR NOVEMBER 8, 1983 TO CONSIDER INCREASING THE LOCAL OPTION SALES TAX BY 1/2 PERCENT, AS APPROVED BY THE 1983 SESSION OF THE GENERAL ASSEMBLY. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (ROSE)

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EXECUTIVE SESSION

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS DISPOSITION OF PROPERTY. VOTE: AFFIRMATIVE ALL

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There being no further business, the meeting was adjourned.

Caroline S. Stuck  
Deputy Town Clerk

[Signature]  
Mayor