

A regular meeting of the Board of Aldermen was held on October 25, 1983 at 7:30 p.m. in the Board Room, the regular place of meeting.

Present and presiding:

Mayor	Robert W. Drakeford
Aldermen	John Boone
	Hilliard Caldwell
	Ernie Patterson
	Joyce Garrett
	Steve Rose (arrived at 7:40 p.m.)
Town Manager	Richard F. Hunter
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Jim White
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APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ERNIE PATTERSON THAT THE MINUTES OF OCTOBER 11 AND 19, 1983 BE APPROVED WITH NECESSARY CORRECTIONS. VOTE: AFFIRMATIVE ALL

Request to Set Public Hearing/Change in Effective Date of Watershed Amendments

The administration requested that a public hearing be scheduled for November 9, 1983 to consider adoption of an ordinance changing the effective date of the watershed land use ordinance amendments and zoning map changes pursuant to action taken by the Orange County Commissioners on October 18, 1983.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR NOVEMBER 9, 1983. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT AMENDMENT REQUEST/SAFFELLE, INC.

Saffelle, Inc. has applied for a conditional use permit amendment which will allow construction of an additional 4,000 square feet of warehouse space for wholesaling janitorial supplies. The facility is located on a 2.65 acre parcel on the north side of Highway 54 West approximately 1,000 feet west of its intersection with S.R. 1944. The parcel is presently zoned M-1; however, the parcel will become zoned WM-3 when the ordinance is amended to implement the recommendations of the Water Quality Task Force.

Greg Shepard, Zoning Administrator, was sworn in by the Town Clerk. Mr. Shepard explained the proposed amendment. Mr. Shepard stated that the administration was recommending denial of this request as it did not comply with the Land Use Ordinance. Specifically, the paving requirements have not been met, a list of hazardous substances has not been submitted, and the stormwater retention pond is not shown on the plans.

(Alderman Rose arrived at the meeting.)

Milton Saffelle, developer, was sworn in. Mr. Saffelle requested that he not be required to pave his service drive as he has future plans to expand his building into this area. Mr. Saffelle presented a list of hazardous substances which be used in his business. Mr. Saffelle also presented a sketch of a proposed storm retention pond.

Diana Woolley, representing the Planning Board, was sworn in. Ms. Woolley presented the following recommendations of the Planning Board:

- (1) That the developer provide sufficient information for the Planning Director to determine if the use involves the possession, storage, maintenance or use of any hazardous substance; and if so,

that the developer apply for a hazardous substance authorization certificate.

(2) That the developer provide the appropriate number of shade trees necessary to meet the shading requirements as provided by Appendix E-3 of the Town's Land Use Ordinance.

(3) That the development comply with the amendments to the Soil and Erosion and Sedimentation Control Ordinance, as recommended by the Water Quality Task Force.

(4) That a stormwater retention basin, approved by the Soil and Erosion Control Officer, be provided.

(5) That the existing gravel parking lot be paved.

Robert Greenberg was sworn in by the Town Clerk. Mr. Greenberg requested that the watershed land use ordinance regulations be complied with and urged the Board to give the town staff an opportunity to thoroughly review the list of hazardous materials submitted by Mr. Saffelle.

Robert Creed, with the Research Triangle Sierra Club, was sworn in by the Town Clerk. Mr. Creed urged that proper run-off control be required.

Analiene Kennedy was sworn in by the Town Clerk. Ms. Kennedy questioned whether the watershed ordinance was law.

Mike Brough stated that it was not and would not become effective until after the Board adopts the proposed ordinance changing the effective date of the watershed land use ordinance amendments and until the State approves the amendments.

Ms. Kennedy requested that this application not be further considered until after the watershed amendments become effective.

Margaret Holton was sworn in by the Town Clerk. Ms. Holton requested that the Board set a precedent with this application to ensure compliance with the watershed ordinance.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THIS PUBLIC HEARING BE CONTINUED ON NOVEMBER 9, 1983. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/OLD WELL CONDOMINIUMS/ PHASE II

Riceville Associates, Inc. has applied for a conditional use permit which will allow construction of a 32 condominium dwelling units, a laundry/office/maintenance shop facility and two tennis courts on a 4.32 acre parcel on the south side of Jones Ferry Road near its intersection with Davie Road. The parcel is zoned Residential-7.5.

Greg Shepard, Zoning Administrator, was sworn in by the Town Clerk. Mr. Shepard explained the proposed project. Mr. Shepard stated that the administration was recommending approval of the project in that all requirements of the land use ordinance had been met.

Diana Woolley, representing the Planning Board, was sworn in by the Town Clerk. Ms. Woolley presented the following recommendations of the Planning Board:

(1) Fire lanes shall be marked as provided by the ordinance and approved by the Fire Chief.

(2) Stormwater drainage calculations shall be approved by the Town's consulting engineer.

(3) A sedimentation and erosion control plan must be approved by the Orange County Erosion Control Officer prior to any land disturbing activity.

(4) That the building plans be revised to ensure that the building height does not exceed 35 feet.

(5) That the site plan be revised to indicate the area of coverage for the pole lights and exterior building lights.

Mr. Shepard pointed out that the developer had met all of the Planning Board, Transportation Advisory Board and Appearance Commission recommendations.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT, YES, THE APPLICATION COMPLIES WITH ALL APLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE THE APPLICATION BE GRANTED, 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 pointed out specifically to the 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 proposed 5-foot sidewalk adjacent to the back of curb along Jones Ferry Road be reduced to a 4-foot sidewalk, which is 18 inches from the back of curb.

(4) The planting of plane trees or similar shade trees down the northern property line along Jones Ferry Road. The plantings should be in a street tree fashion substituting 1 street tree for a comparable number of pines. Spacing should be approximately 1 tree per 60' totaling at least 10 trees.

(5) Continue the pine/myrtle plantings adjacent to the tennis courts along the eastern property line behind the building containing apartments DD-1 through DD-8. These plantings will maintain a screening of the adjacent apartment complex.

(6) Fire lanes shall be marked as provided by the ordinance and approved by the Fire Chief.

(7) A sedimentation and erosion control plan must be approved by the Orange County Erosion Control Officer prior to any land disturbing activity.

(8) That the building plans be revised to ensure that the building height does not exceed 35 feet.

(9) That the site plan be revised to indicate the area of coverage for the pole lights and the exterior building lights.

(10) That a five-foot concrete sidewalk along Jones Ferry Road from the entrance drive to the eastern end of the property be installed, with a minimal deviation west of the bus shelter, if needed, to preserve the fence and landscaping.

(11) That a paved sidewalk connection between the sidewalk in #1 above and the internal sidewalk system be provided.

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/VOTING REQUIREMENT FOR BOARD OF ADJUSTMENT

The administration requested that the voting requirement of the Board of Adjustment on variances and appeals be changed from 4/5ths of the

membership to 4/5ths of the members present and not excused from voting (a quorum being present) in order to reverse a decision of the zoning administrator or to grant a variance.

Diana Woolley, representing the Planning Board, stated that the Planning Board did not have a recommendation on this matter.

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 JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PROVIDE THAT THE BOARD OF ADJUSTMENT MAY GRANT VARIANCES AND REVERSE THE DETERMINATIONS OF THE ZONING ADMINISTRATOR UPON A VOTE OF A 4/5THS MAJORITY OF THE MEMBERS PRESENT AT A MEETING AND NOT EXCUSED FROM VOTING," BE ADOPTED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/TEXT CHANGE RELATING TO PUBLIC UTILITY SERVICE COMPLEXES

The administration requested that the Carrboro Land Use Ordinance be amended to define public utility service complex and to allow such use as a conditional use in B-4 and B-5 (commercial) zoning districts. This ordinance is to become effective when the watershed zoning amendments become effective.

Diana Woolley, representing the Planning Board, stated that the Planning Board favored this proposed amendment.

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 JOHN BOONE AND SECONDED BY STEVE ROSE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MAKE PUBLIC UTILITY SERVICE COMPLEXES PERMISSIBLE WITH A CONDITIONAL USE PERMIT IN THE B-4 and B-5 ZONING DISTRICTS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

REQUEST TO REVISE PHASING PLAN/BRIGHTON SQUARE CONDOMINIUMS

The Maryweather Group is requesting a revision to the approved phasing plan. The revised plan will divide the currently approved Phase IV into separate phases--Phase IV and Phase IVA.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THE REQUEST TO REVISE THE PHASING PLAN BE APPROVED. VOTE: AFFIRMATIVE ALL

Diana Woolley requested that this matter be referred to the Planning Board for its review before the phasing plan is approved because the developer was not complying with the approved landscape plan.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JOHN BOONE THAT THE PREVIOUS MOTION BE RECONSIDERED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT MATTER BE REFERRED TO THE PLANNING BOARD AND THAT BE BROUGHT BACK TO THE BOARD OF ALDERMEN ON NOVEMBER 9, 1983. VOTE: AFFIRMATIVE ALL

REQUEST TO REVISE PHASING PLAN/WEATHERHILL CEDARWOOD LANE TOWNHOUSES

Wells Management Group is requesting a revision to the approved phasing plan. The revised plan will divide the currently approved Phase III into two separate phases--Phase IIIA and Phase IIIB.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THE PHASING PLAN BE APPROVED. VOTE: AFFIRMATIVE ALL

PAY GRADE ADJUSTMENTS

The Board of Aldermen at its worksession on October 19, 1983 recommended that the following positions be reclassified:

- (a) Recreation Program Supervisor: Grade 11
- (b) Zoning Administrator: Grade 16
- (c) Finance Director: Grade 20
- (d) Accounting Technician: Grade 10

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THE ABOVE CLASSIFICATIONS BE APPROVED. VOTE: AFFIRMATIVE ALL

EQUAL EMPLOYMENT OPPORTUNITY PLAN

The Board of Aldermen at its worksession of October 19, 1983 recommended approval of the administration's proposed Equal Employment Opportunity Plan.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY HILLIARD CALDWELL THAT THE EQUAL EMPLOYMENT OPPORTUNITY PLAN BE ADOPTED. VOTE: AFFIRMATIVE ALL

OWASA FIRE HYDRANT FEES

The Board of Aldermen at its worksession of October 19, 1983 recommended that OWASA fire protection charges (hydrant fees be recouped by OWASA billing the costs through the general rate structure for water service, i.e., allocating the costs based on consumption.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY STEVE ROSE THAT THIS INFORMATION BE FORWARDED TO OWASA. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GARRETT)

BUDGET AMENDMENT/NATIONAL LEAGUE OF CITIES CONFERENCE EXPENSES

The Mayor has requested adequate funds be provided for both himself and the Mayor-Elect to attend the November, 1983 National League of Cities Conference in New Orleans, LA. The total cost is expected to be approximately \$2,000. Currently, \$800 exists in the budget of the Board of Aldermen for this purpose. This budget amendment would transfer sufficient appropriations from General Fund Contingency to fund this shortfall.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'83-84 BUDGET ORDINANCE," BE ADOPTED. VOTE: AFFIRMATIVE THREE, NEGATIVE TWO (CALDWELL, GARRETT)

RESOLUTION ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT AND ORDINANCE AMENDING FY'83-84 BUDGET ORDINANCE

The Town of Carrboro has been awarded a \$98,437 C.D. Block Grant for the Norina/Jade Palace Loan Project and local option activities. The town also received a grant agreement for these funds which must be executed prior to obligating any funds.

The administration recommended that the resolution to accept the Community Development funds and the budget ordinance be approved. The administration will not obligate these funds until the Board of Aldermen has had the opportunity to review the documents relating to the loan to Norina/Jade Palace.

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

A RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS UNDER THE

NORTH CAROLINA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS:
COMMUNITY DEVELOPMENT: NORINA/JADE PALACE

WHEREAS, an application for N.C. Community Development Grant Funds was submitted at the direction of the Board of Aldermen to the N.C. Department of Natural Resources and Community Development; and

WHEREAS, grant funds were requested in the amount of \$98,437.00; and

WHEREAS, notification has been received from the N.C. Department of NRCD that the application has been approved and the funds totaling \$98,437.00 are available.

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

Section 1. The town hereby accepts the \$98,437.00 Community Development Grant from the N.C. Department of NRCD and directs the Town Manager to implement necessary actions to receive these funds.

Section 2. This resolution shall become effective upon adoption.

This resolution having been submitted to a vote received the following vote and was duly adopted this 25th day of October, 1983.

Ayes: Ernie Patterson, Steve Rose, John Boone, Hilliard Caldwell, Joyce Garrett

Noes: None

Absent or Excused: Jim White

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'83-84 BUDGET ORDINANCE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

RESOLUTION ACCEPTING ORANGE COUNTY'S CHANGES TO THE SEDIMENTATION CONTROL ORDINANCE

The administration recommended adoption of a resolution accepting the changes made to the sedimentation control ordinance by the Orange County Board of Commissioners at its meeting of October 18, 1983.

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

A RESOLUTION ACCEPTING ORANGE COUNTY'S CHANGES
TO THE SEDIMENTATION CONTROL ORDINANCE AMENDMENTS
RECOMMENDED BY THE WATERSHED TASK FORCE

WHEREAS, the Watershed Task Force recommended certain amendments to Orange County's sedimentation and erosion control ordinance to make stricter standards applicable to development within the University Lake Watershed; and

WHEREAS, at its meeting on September 13, 1983 the Carrboro Board of Aldermen endorsed the proposed amendments and recommended their adoption to the Orange County Board of Commissioners; and

WHEREAS, at its meeting on October 18, 1983, the Orange County Board of Commissioners adopted the proposed amendments to Orange County's sedimentation and erosion control ordinance with certain changes, which changes (i) amended Section 11 to make it clear that the placement of gravel pads at the entrance of access or haul roads constitutes one means, but not the only means, of controlling sedimentation from such roads; (ii) amended Section 5.1 to make the ordinance conform with the statutorily required list of excluded activities; and (iii) changed the format of the ordinance to emphasize which provisions are applicable only to the watershed area;

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

Section 1. The Board of Aldermen concurs in and accepts the changes

In the proposed sedimentation and erosion control ordinance adopted by the Orange County Board of Commissioners on October 18, 1983.

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 25th day of October, 1983:

Ayes: Ernie Patterson, Joyce Garrett, Hilliard Caldwell, John Boone, Steve Rose

Noes: None

Absent or Excused: Jim White

ALERT CABLE T.V. REQUEST FOR FRANCHISE RENEWAL

Mayor Drakeford informed the Board that Alert Cable T.V. had formally requested a renewal of their franchise ordinance with the Town of Carrboro.

It was the consensus of the Board to set a public hearing for November 9, 1983 to consider this matter and refer it to the Board's November 16th worksession.

EXECUTIVE SESSION

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

There being no further business, the meeting was adjourned.


Town Clerk


Mayor