

A regular meeting of the Board of Aldermen was convened in the Board Room, the regular place of meeting at 7:30 p.m. on November 9, 1983.

Present and presiding:

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

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MINUTES OF OCTOBER 25, 1983 BE APPROVED WITH ANY NECESSARY CORRECTIONS. VOTE: AFFIRMATIVE ALL

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PRESENTATION OF AUDIT REPORT

Mr. King Moore Willis and Mr. Mac McConnell with Deliotte, Haskins and Sells, presented the audit report for fiscal year 1982-83.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT THE AUDIT REPORT BE ACCEPTED AND THAT A WORKSESSION BE SCHEDULED ON IT IF NECESSARY. VOTE: AFFIRMATIVE ALL

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REQUEST TO SET PUBLIC HEARING/ANNUAL CHRISTMAS PARADE

The Greater Chapel Hill-Carrboro Chamber of Commerce is requesting permission to close Main Street from W. Franklin Street in Chapel Hill to Fidelity Street to conduct its annual Christmas parade. This event is scheduled for Saturday, December 3rd from 10:00 a.m. to 12:30 p.m. The applicant is requesting that the Town of Carrboro provide police protection for the affected area.

The administration requests that a public hearing be scheduled for November 22, 1983.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY STEVE ROSE THAT A PUBLIC HEARING BE SCHEDULED FOR NOVEMBER 22, 1983. VOTE: AFFIRMATIVE ALL

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CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT AMENDMENT 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.

This was a continuation of the public hearing which was held on October 25, 1983.

Greg Shepard, Zoning Administrator, stated that the application is complete and recommended approval of the conditional use permit.

Doug Terry, representing OWASA, was sworn in. Mr. Terry spoke in favor of the proposed amendments to the town's land use ordinance dealing with the watershed. Mr. Terry stated that the retention ponds proposed for this project are not adequate to protect against a chemical spill and suggested that the Board consider requiring the

developer to install a small dike or swale around the area where hazardous substances will be stored in case of a spill.

Milton Saffelle stated that most of his products have a 90% water base with no more than 80 gallons stored at one time.

Bob Greenberg spoke in favor of requiring that a swale be constructed around the area where the hazardous substances will be stored.

Doug Sharer, residing at 501 W. Poplar Avenue, was sworn in. Mr. Sharer spoke in favor of Mr. Terry's suggestion that a dike be constructed around the area where the hazardous substances will be stored.

Kim Fisher, the developer's engineer, was sworn in. Mr. Fisher stated that it would not be an outrageous price to install a two-foot berm around the area in question.

Mr. Saffelle stated that the requirement of a berm on his property at this time would be a ridiculous requirement.

Robert McDuffee, Chairman of the Planning Board, was sworn in. Mr. McDuffee stated his concern that the proposed retention pond does not meet the land use ordinance requirements.

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

A SUBSTITUTE MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOYCE GARRETT THAT THIS PUBLIC HEARING BE CONTINUED AT A SPECIAL MEETING OF THE BOARD OF ALDERMEN ON NOVEMBER 16TH AT 7:00 P.M. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/E.R.S., INC.

E.R.S., Inc. has applied for a conditional use permit which will allow construction of nine dwelling units in an architecturally integrated subdivision on a 1.12-acre parcel located on the southwest corner of North Greensboro Street and Oak Avenue. The parcel is zoned R-7.5.

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that the application is complete and the administration was recommending approval of the conditional use permit. Mr. Shepard stated that the Appearance Commission was recommending approval with the following conditions: (1) That shade trees shall be 2" or greater in caliper when planted; (2) Four proposed Ginko trees along the south side of the parking lot shall be replaced with Willow Oak or Maples; (3) The vegetation cover delineated on the site plan by canopy lines shall remain untouched and any loss in vegetation delineated by this line shall be replaced; and (4) Proposed Ginko trees shall be male. Mr. Shepard stated that the developer had not addressed #1 and #3 of the Appearance Commission recommendations. Mr. Shepard stated that the Planning Board was recommending approval of this request with the following conditions: (1) That a Homeowners' Association be established according to the stipulations of the Town Attorney; and (2) That the parking spaces as shown on the map dated October 20, 1983 be re-adjusted for twenty-seven (27) parking spaces. Mr. Shepard stated that the developer had not incorporated the second recommendation made by the Planning Board.

Robert McDuffee, Chairman of the Planning Board, was sworn in. Mr. McDuffee stated that the Planning Board felt that the parking requirements were excessive for this development and that is why the Planning Board was recommending a reduction in the number of spaces required.

John Hartley, the developer, was sworn in. Mr. Hartley requested that the Board approve his plan.

David Hutton, residing at 409 Lindsay Street, was sworn in. Mr. Hutton stated that he had had sewer problems at his house and questioned the feasibility of adding additional connections to this line.

Virginia Grantham, residing on Lindsay Street, was sworn in. Mrs. Grantham questioned the number of parking spaces and expressed her concern over the additional traffic generated by this development on Lindsay Street. Mrs. Grantham also requested that the development be screened from adjoining property.

Cameron Hargraves, residing at 511 Oak Avenue, was sworn in. Mr. Hargraves wanted to know how this project would affect his property.

Mr. Hartley stated that there is no access to Oak Avenue from this project.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL 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 JOHN BOONE THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (CALDWELL)

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 FIVE, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JIM WHITE THAT THE APPLICATION IS 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) Upon completion of grading for the site, if screening requirements are not met on the southern property line, a "Type C, Broken Screen" shall be required to be planted by the developer.

(4) That a sidewalk be constructed along North Greensboro Street for the length of the property (to be constructed of Chapel Hill gravel or other suitable surface) with provision to minimize run-off onto the street.

(5) That shade trees be 2 inches or greater in caliper when planted.

VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (CALDWELL)

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PUBLIC HEARING/CHANGE IN EFFECTIVE DATE OF WATERSHED AMENDMENTS

The administration requested 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 ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK, AND THAT THE ORDINANCE ENTITLED, "AN ORDINANCE CHANGING THE EFFECTIVE DATE OF THE CARRBORO LAND USE ORDINANCE TEXT AND MAP AMENDMENTS AFFECTING THE UNIVERSITY LAKE WATERSHED AREA" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/ALERT CABLE TELEVISION FRANCHISE EXTENSION REQUEST

Alert Cable T.V. of North Carolina has requested a 15-year renewal of their cable t.v. franchise with the Town of Carrboro and is proposing to upgrade its system from 20 to 35-channel capacity.

Norm Vogel, the town's cable t.v. consultant, stated that after reviewing Alert's proposal he would make the following recommendations:

- (1) Within five years after the renewal date modernize the system and upgrade it to a 54-channel, 440 MHz system.
- (2) Provide the additional services set forth in Alert's proposal within three to six months, not fifteen months as proposed.
- (3) Require Alert to pay for any costs incurred by the town in providing a service complaint hearing officer.
- (4) Take over the operation of the "community billboard" service.

Mr. Vogel stated that in addition, Alert needs to explain in greater detail its proposals with respect to the following:

- (1) Local access and local origination programming.
- (2) Construction standards and system design.
- (3) Set top converters.

Pete Pettis, Vice-President of Alert Cable T.V. of North Carolina, stated that his company was requesting this franchise renewal based on previous requests from citizens to have upgraded service, more channels, and local origination. In planning for this, it was determined by Alert that additional capital would be needed to put into the system. In order to do this and to project a fair rate of return on the investment in Carrboro, Alert would need some type of assurance to get the return.

Mr. Pettis stated that he would need some time to study the effect of the additional cost of a 54-channel system. Mr. Pettis stated that Alert was proposing to bring to Carrboro a system at least comparable to other systems within the county. Mr. Pettis stated that Alert would be agreeable to lowering the time frame for upgrading the system. Mr. Pettis stated that Alert would not object to the town having a complaint procedure, however, Alert would prefer that that person be a full-time employee of the town to be accessible during normal office hours. Mr. Pettis stated that Alert would take over the community billboard service. Mr. Pettis stated that Alert would be willing to incorporate the construction and technical standards that are standardized by the National Cable Television Association. Mr. Pettis stated that if the \$5,000 letter of credit was a stumbling block, certainly Alert would provide that. Mr. Pettis stated he could not answer the question of how many hours of local programming produced by Alert will be offered each week because he did not know what the needs of the community would be. The facilities would be made available and a director would be hired to manage it who would work with the community on what programming would be desirable and how much. Mr. Pettis stated that the present studio would be reactivated.

Mr. Pettis stated that when Alert builds a new facility which will incorporate the business office and studio the present studio would be moved to the new facilities. The new facilities being built now will consist only of the head-in receiving tower and dishes. Mr. Pettis stated that Alert's lease on the present business office and studio located on Main Street expires in four years, and the business office and studio would be operated in this facility until that lease is up.

Mr. Pettis stated that Alert has in place at the present time converters that are capable of accommodating 36 channels. However, as these converters are replaced, new deluxe converters will be offered for an additional cost of \$2.00 per month over and above the normal cost of the tiered service.

Tom Trafelet urged the Board not to give Alert an extension on its franchise until commitments are made by Alert to construct its new facilities.

Jacques Menache, with the ArtSchool, presented a statement to the effect that he had been requesting a cable in and out of its building in Carr Mill since Alert was first granted its franchise and had filed several requests during the past year to receive this service, but had been told by Alert that the necessary amplifier is too expensive. Mr. Menache stated that the ArtSchool would like to offer the town's citizens the benefit of its programming through the cable service, but could not get a commitment on the part of Alert to install the necessary drop in and out of the ArtSchool.

October Islands, residing on Carol Street, stated that she had heard rumors that Village Cable was willing to make their public access channel available to Alert.

Mayor Drakeford stated that as part of the franchise with the Town of Carrboro, when Alert builds a comparable studio, then Village's public access channel will be made available to Carrboro residents.

Ms. Islands asked how much of Carrboro is built with cable and what is the penetration.

Mr. Pettis stated that he thought that Alert was at between 36 and 37% penetration and is 100% built.

Bill Caskins stated that he had had problems with his service since last April which occurs when cold weather is present. Mr. Caskins urged the Board to request Alert to look at its system more closely to solve problems of this nature before Alert is given an extension on its franchise.

Jim Porto requested the Board consider this matter very closely before any decision is made.

Douglas Sharer urged the Board to give Alert's proposal thorough consideration before any decision is made.

Bill Aderholt requested that Alert upgrade its present system before the town extends its franchise.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THIS PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK AND THAT THE STAFF GET TOGETHER WITH MR. PETTIS TO BRING BACK A PROPOSAL AND CONTRACT FOR SERVICE. VOTE: AFFIRMATIVE ALL

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#### USE OF TOWN HALL FOR JUVENILE COURT

The town has received a request from Judge Stanley Peele indicating a desire to use the Town Hall board room and conference room two days per month to hold Juvenile Court.

The Law & Finance Committee at its meeting of November 1, 1983 recommended that this request be granted and requested that the Town Attorney prepare a memorandum of understanding stating the specifics of this arrangement.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE REQUEST BE GRANTED. VOTE: AFFIRMATIVE ALL

The Board requested that the staff put together cost estimates for providing additional parking on the ballfield adjacent to the town hall.

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#### ESTABLISHMENT OF AN AUDIT COMMITTEE

The Law & Finance Committee at its meeting of November 1, 1983 recommended the establishment of an audit committee, which would consist of the three Aldermen and the two citizen members appointed by the Board of Aldermen to serve on the Law & Finance Committee.

Alderman Rose expressed his concern that no reason was given for the establishment of this committee.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE AUDIT COMMITTEE BE ESTABLISHED. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (PATTERSON, ROSE)

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#### TOM'S CREEK DRAINAGE IMPROVEMENTS

The Town of Carrboro has received a State grant in the amount of \$35,000 to make floodway improvements along approximately 1200 lineal

feet of Tom's Creek. The town will need to contribute \$17,000 as its share of this grant.

The Public Works Committee at its meeting of November 1, 1983 recommended that the town staff reapply to the State for an additional \$17,000. The Committee also recommended that the town's \$34,000 contribution be taken from the Capital Projects Fund.

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

A RESOLUTION TO APPLY FOR A STATE WATER RESOURCES  
DEVELOPMENT PROJECT ADMINISTERED BY THE N.C. DEPARTMENT  
OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

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 accomplishments of such a goal difficult, including any factors which pose a danger to the health, safety, or welfare of its citizens; and

WHEREAS, the Town of Carrboro has experienced flooding of properties along Tom's Creek and with the assistance of the U.S. Army Corps of Engineers, has developed a project to reduce flooding along Tom's Creek; and

WHEREAS, the total costs of the project improvements is estimated to be \$104,000; and

WHEREAS, the State of North Carolina through its Water Resources Development Project Grants will provide 66 2/3% (\$69,680) of the nonfederal cost;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro hereby respectfully request the State of North Carolina to participate in the project to reduce flooding along Tom's Creek.

BE IT FURTHER resolved that the Town of Carrboro accepts responsibility to:

- 1) Hold the State of North Carolina harmless from any damages that might occur due to the construction or operation of the project;
- 2) Provide 33 1/3% of the total non-federal project cost, except if total project costs exceed \$104,000 then pay \$34,320 plus 100% of project costs in excess of \$104,000;
- 3) Obtain any state and/or federal permits necessary for the work and assure that the permit conditions are met;
- 4) Obtain any land rights or permission to cross or deposit material on lands needed for the project, without any cost or liability to the State;
- 5) Keep project cost records as a basis for determining the amount of State funds due the County;
- 6) Deduct the salvage value of any equipment purchased for the project from the project cost before determining the State's 66 2/3% cost share.

Adopted this the 9th day of November, 1983 with the following vote:

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

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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 two separate phases--Phase IV and Phase IVA.

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

PUBLIC HEARING BE SCHEDULE  
VOTE: AFFIRMATIVE ALL

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BUDGET AMENDMENT/ART SCHOOL FUNDING

The ArtSchool has requested \$10,000 be appropriated by the town to support the general operation of that organization. This budget amendment would permit funds appropriated to the Public Works Street Division to be transferred and used to fund the ArtSchool request. CDBG funds in an equal amount would be used to make street improvements on Old Pittsboro Road and neighborhood improvements on Alabama Avenue.

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

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SIGN FOR WEBBWOOD

Alderman White stated that he had been approached by the residents of Webbwood requesting that they be given some relief in applying for a variance to install a new sign in their neighborhood. Alderman White explained that the old sign had deteriorated and the residents of Webbwood had contracted to have a new sign constructed, but after the sign was constructed, it was learned that the sign was too large according to the town's land use ordinance. Alderman White requested that the variance fee be waived.

The Board excused Alderman Patterson and Alderman Rose from voting at their request.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT THE VARIANCE FEE BE WAIVED. VOTE: AFFIRMATIVE ALL

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AUTO TAGS

Alderman White requested a status report on the collection of auto tags.

Mr. Hunter informed the Board that the administration had met with representatives of Orange County and Chapel Hill concerning a joint collection effort. Mr. Hunter stated that the county has agreed to furnish the town at the beginning of February a list of autos. The county will mail out for us at that point a bill to everyone who has a registered automobile. The county has also agreed to give the town a list of apartment registrations as of January 1st. These people will be sent a similar message stating that if they own a car, they will be required to pay to the town a \$5.00 fee. Mr. Hunter stated that 5,000 city tags had been ordered.

Alderman White asked Mr. Hunter if he had proposed that \$25,500 would be collected for auto tags during the 1983-84 budget year.

Mr. Hunter stated that the Board had been given a report that estimated the number of cars in town to be approximately 7,400. The \$25,000 was based on collecting auto fees for 5,000 cars.

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There being no further business, the meeting was adjourned.

*Sarah C. Williamson*  
Town Clerk

*[Signature]*  
Mayor