

A regular meeting of the Carrboro Board of Aldermen was held on January 10, 1984 in the Board Room of the Town Hall, the regular place of meeting, at 7:30 p.m.

Present and presiding:

Mayor	Jim Porto
Aldermen	Jim White
	Doug Anderson
	Hilliard Caldwell
	John Boone
	Zona Norwood
Interim Town Manager	Don Casper
Town Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

Absent:

Alderman	Joyce Garrett
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APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF DECEMBER 13 AND 21, 1983 BE APPROVED. VOTE: AFFIRMATIVE ALL

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PRESENTATION OF FIREMAN OF THE YEAR AWARD

Mayor Porto presented Tommie Roberts with the Carrboro Fireman of the Year Award.

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REQUESTS TO SET PUBLIC HEARINGS

(1) Voluntary Annexation Request/Phases I and II Woodbridge Apartments

Charter Properties, Inc. have requested voluntary annexation of Phases I and II of Woodbridge Apartments located off Jones Ferry Road.

The administration requested that a public hearing be set for January 24, 1984 to consider this request.

(2) Conditional Use Permit Amendment Request/Carr Mill

Dr. J.W. French and Patricia Ann French are applying for a conditional use permit amendment which will allow construction of two additions to the existing structure and add a mobile storage structure totalling 17,843 square feet on the Carr Mill property. These additions are proposed in lieu of the office building approved on June 28, 1983. The proposed additions will be located on the south side of the existing Carr Mill Mall and the proposed mobile storage structure will be located in the northwest corner of the property behind the Harris Teeter store. The property is zoned Business-1.

The administration requested that a public hearing be scheduled for January 24, 1984 on this request.

(3) Conditional Use Permit Amendment Request/Highland Hills Apartments

Real Estate Ventures Corporation of Huntsville, Alabama is applying for a conditional use permit amendment which will allow construction of 270 apartment dwelling units for low and moderate income families on a 47-acre parcel located north of The Villages Apartments and south of Morgan Creek and the Chapel Hill Tennis Club. The parcel is identified as Tax Map 116, Lots 9 and 9A and is zoned Residential-SIR (Suitable for Intensive Residential).

The administration recommended that a public hearing be scheduled for January 24, 1984.

(4) Conditional Use Permit Request/Canterbury Townhouses

Hoerner and Associates, Inc. of Raleigh is applying for a conditional use permit which allow construction of 112 townhouse dwelling units in an architecturally integrated subdivision on a 17.63-acre parcel on the south side of Highway 54 Bypass and directly opposite Royal Park Apartments. The parcel is identified as Tax Map 122, Block A, Lot 1A and is zoned Residential-3.

The administration recommended that a public hearing be scheduled for January 24, 1984.

(5) Land Use Ordinance Amendment

The administration recommended that a public hearing be set for January 24, 1984 to consider amendments to the Land Use Ordinance to draw definitional distinctions among types of housing units on bases other than whether developments are subdivided or unsubdivided, increasing single-family density and lowering multi-family density, changing private road requirements and making other changes.

This matter was discussed at the Board of Aldermen's worksession held on January 4, 1984.

Steve Rose requested that the Board consider excluding from this Land Use Ordinance amendment existing lots of one acre and smaller.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE REQUESTED PUBLIC HEARINGS BE SET AND THAT LOTS ONE ACRE AND SMALLER BE EXCLUDED FROM THE LAND USE ORDINANCE AMENDMENT UNDER (5). VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Hilliard Caldwell and seconded by Alderman John Boone.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF PHASES I AND II OF THE WOODBRIDGE APARTMENTS UPON THE REQUEST OF THE PROPERTY OWNER, CHARTER PROPERTIES, INC.

WHEREAS, the Town of Carrboro has received a petition from Charter Properties Associates requesting that its property known as Phases I and II, Woodbridge Apartments, be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified tht the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

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

Section 1. The Board of Aldermen shall hold a public hearing on January 24, 1984 to consider the voluntary annexation of Phases I and II, Woodbridge Apartments.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill Newspaper at least ten days prior to the date of the public hearing.

Section 3. 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 10th day of January, 1984:

Ayes: Boone, Anderson, White, Norwood, Caldwell  
Noes: None  
Absent or Excused: Garrett

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BOARD APPOINTMENTS

The Board of Aldermen at its worksession held on January 4, 1984 recommended the following board appointments:

Planning Board: Ellen Dawson Sutton and Gerald McMahon  
Transportation Advisory Board: Izona Craig and William Mecke

At the Board's request, the Town Clerk tried to contact Mr. Mecke to determine whether or not he was still interested in serving on the Transportation Advisory Board in that his resume was received several months ago. The Clerk informed the Board that she had been unsuccessful in contacting Mr. Mecke.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT ELLEN DAWSON SUTTON AND GERALD MCMAHON BE APPOINTED TO THE PLANNING BOARD AND THAT IZONA CRAIG BE APPOINTED TO THE TRANSPORTATION ADVISORY BOARD.  
VOTE: AFFIRMATIVE ALL

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#### CHECKING AND SAVINGS ACCOUNTS MAINTENANCE

This resolution would confer upon Marie Blake the authority to sign checks and other fiscal documents for the town. This authority would be exercised by Mrs. Blake in the absence of the Finance Director. Mrs. Blake's name replaces that of Richard Hunter whose employment with the town terminated on December 30, 1983.

The following resolution was introduced by Alderman Boone and seconded by Alderman Caldwell.

#### A RESOLUTION OPENING AND MAINTAINING A CHECKING AND SAVINGS ACCOUNT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The North Carolina National Bank, Carrboro, North Carolina is hereby designated as a depository of the Town of Carrboro and that a checking and savings account be opened and maintained in the name of the Town of Carrboro; that any one of the following officers or employees of this corporation: Don W. Casper, Finance Director; or Marie Blake, Account Technician; are hereby authorized, on behalf of this corporation, and in its name; to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money for said account; to endorse checks, notes, orders for the payment of money for said account; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said Bank; to accept drafts, acceptances, and other instruments payable at said Bank; to waive presentment, demand, protest, and notice of protest, or dishonor of any check, note, bill, draft or other instrument made, drawn, or endorsed by this corporation; and

Section 2. The North Carolina National Bank be and it is hereby authorized to honor, receive, certify, or pay all instruments signed in accordance with the foregoing resolution even though drawn or endorsed to the order of any officer or employee signing the same or tendered by him for cashing, or in payment of the individual obligation of such officer or employee, or for deposit to his personal account, and said bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application or disposition of such instrument or the proceeds thereof; and

Section 3. The Town Clerk of this corporation shall certify to said bank the names of the persons who are at present authorized to act on behalf of this corporation under the foregoing resolutions and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Town Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and

Section 4. The foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and

Section 5. That all transactions by any of the officers or employees of this corporation on its behalf, and in its name, with North Carolina National Bank prior to the delivery of said Bank of a certified copy of

the foregoing resolution, are in all respects, hereby ratified, confirmed, approved and adopted; and

Section 6. The Town Clerk is hereby authorized and directed to certify this resolution to the North Carolina National Bank and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 10th day of January, 1984:

Ayes: Caldwell, Anderson, Boone, White, Norwood  
 Noes: None  
 Absent or Excused: Garrett

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TAX SHELTER FOR LAW ENFORCEMENT OFFICERS RETIREMENT SYSTEM

The Department of State Treasurer, Retirement Systems Division, has informed local governments of a ruling by the Internal Revenue Service which would allow the same tax shelter provisions for LEO members as now extended to Local Government Employee Retirement System members. Basically, this permits payment by the member from gross salaries with tax to be paid when benefits are realized at retirement. Federal tax rulings require that all employees of a local government unit be covered by this provision or none be covered. The requested resolution would have the effect of placing all town employees, subject to retirement benefits, under the provisions of the tax shelter.

The following resolution was introduced by Alderman Boone and seconded by Alderman Caldwell.

A RESOLUTION TO ELECT A TAX SHELTER OF EMPLOYEES' CONTRIBUTIONS PAYABLE AS MEMBERS OF THE LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEM OF THE STATE OF NORTH CAROLINA

WHEREAS, the 1984 Session of the North Carolina General Assembly, by a duly ratified bill, enacted North Carolina General Statute 143-166(11) which, under the conditions specified therein, permits an employer participating in the North Carolina Local Governmental Employees' Retirement System or who administers some other trust qualified under Sections 401(a), 403(a) or 405(a) of the Internal Revenue code of 1954 as amended to tax shelter the contributions payable to this System by its employees who are members of this System to the same extent as the Town of Carrboro has elected to tax shelter contributions for all other employees who are members of another qualified trust; and

WHEREAS, the Town of Carrboro is an employer participating in the North Carolina Local Governmental Employees' Retirement System with respect to its eligible employees or who administers some other trust qualified under Sections 401(a), 403(a), or 405(a) of the Internal Revenue Code of 1954 as amended; and

WHEREAS, the Town of Carrboro has tax sheltered the contributions payable by its employees who are members of the North Carolina Local Governmental Employees' Retirement System or some other qualified trust and deems it desirable to tax shelter the contributions payable by its employees as members of the Law Enforcement Officers' Retirement System of the State of North Carolina.

NOW, THEREFORE, BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN, in regular session, that effective the first day of January, 1984 the Town of Carrboro elects pursuant to the provisions of North Carolina General Statute 143-166(11) to pick up and pay the Law Enforcement Officers' Retirement System of the State of North Carolina the contributions which would be otherwise payable to this System by its employees who are members of this System and to treat in all respects such contributions in the same manner specified in said North Carolina General Statute 143-166(11).

BE IT FURTHER RESOLVED that the Town Manager is authorized and directed to implement this Resolution at the earliest practical date.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 10th day of January, 1984:

Ayes: White, Caldwell, Boone, Norwood, Anderson  
Noes: None  
Absent or Excused: Garrett

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SALARY ADJUSTMENT

Pending the appointment of a permanent Town Manager, the Finance Director has accepted additional duties and responsibilities as Interim Town Manager. As a result, Mrs. Marie Blake will have to accept additional duties and responsibilities in the operation of the Finance Department. It is requested that a salary adjustment equal to a 5% increase be made to Mrs. Blake's salary to compensate for these additional duties and responsibilities.

Alderman Caldwell confirmed that this pay adjustment would only be for the interim period while Mr. Casper is serving as Interim Manager.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE PAY ADJUSTMENT BE GRANTED FOR THE INTERIM PERIOD. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR ECONOMIC DEVELOPMENT

The N.C. Department of Natural Resources and Community Development is accepting applications for economic development projects. The submission deadline for this funding cycle is February 1, 1984.

Lee Corum, representing Rogers Triem and Carr Mill, stated that these two groups were planning on submitting requests for funding under this grant.

Blair Pollack, with Integrated Energy Systems, asked whether he would be eligible to submitted a grant request under this funding cycle for redevelopment in the Lloyd Street area.

Roy Williford informed Mr. Pollack that he would need to submit his request under the next funding cycle for C.D. funds.

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

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PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/WHOLE SALES IN B-1

Mr. J. Wade DeGraffenreidt has filed a petition requesting that the Carrboro Land Use Ordinance, Section 15-146, be amended to allow wholesale sales in a B-1 District.

Jerry Davenport, Town Planner, presented the proposal amendment to the Land Use Ordinance.

Mr. Davenport stated that the administration was recommending that one of the following alternatives be followed: (i) refrain from acting until Commercial Rezoning has preliminarily been acted on by the Board so that confusion, conflicting action, reversals, etc. are kept to a minimum; or (ii) reject the text amendment, or rezoning, or map amendment. Mr. DeGraffenreidt would lose a potential client, but the frustration of demand might add to that collectively acting to generate completion of the Planned Industrial District. The lack of demand, the impact of rezoning and text amendments in the past have resulted in insufficient demand to bring about a quality industrial park development.

Mayor Porto stated that the Planning Board was recommending that the Land Use Ordinance not be amended to allow wholesale sales in a B-1 district.

John Northern, representing the applicant, spoke in favor of Mr. DeGraffenreidt's request stating that Mr. DeGraffenreidt had a potential lessee for his building.

Judith Wegner, residing at 115 Spring Valley Road, spoke against the proposed amendment.

Jim Ferrell, representing the C.C. Dickson Company, spoke in favor of the amendment stating he was the potential lessee of Mr. DeGraffenreidt's building. Mr. Ferrell stated that his business was composed of the sale of parts to licensed refrigeration and heating contractors. Mr. Ferrell further stated that his business was primarily composed of his salesmen calling on clients, with very little walk-in traffic.

Mark Yates, with Yates Heating and Air Conditioning, spoke in favor of the C.C. Dickson Co. being located in Carrboro.

Willem Koole, Chairman of the Downtown Revitalization Task Force, spoke against the proposed amendment.

Sherry Jones, a member of the Commercial Rezoning Task Force, spoke in opposition to the proposed amendment stating that it was out of line with what the Commercial Rezoning Task Force had recommended for the downtown.

Wade DeGraffenreidt, the applicant, spoke in favor of the proposed amendment.

Margaret Brown, with the Board of Adjustment, spoke in opposition to the proposed amendment. Ms. Brown also read a statement from Linda Reifsnnyder speaking in opposition to the proposed amendment and also urging the Board of Aldermen to leave the power of appointing the chairpersons of various boards with the Mayor.

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 CARRBORO LAND USE ORDINANCE TO AUTHORIZE WHOLESALE SALES WITH NO OUTSIDE STORAGE OR DISPLAY IN THE B-1 CENTRAL BUSINESS DISTRICT" BE ADOPTED. VOTE: AFFIRMATIVE TWO, NEGATIVE THREE (NORWOOD, WHITE, ANDERSON)

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PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/APPOINTMENT OF CHAIRPERSONS TO TOWN BOARDS

The Board of Aldermen considered amendments to the Land Use Ordinance regarding the appointment of chairpersons to the Planning Board, Board of Adjustment and Appearance Commission. Specifically, the amendments provide that the chairpersons of these respective boards be made either by the Board of Aldermen or by the respective boards themselves.

Mike Brough explained the two alternative ordinances.

Don Willhoit stated his concern that the chairmanship of these boards be restricted to in-town residents and spoke in favor of the individual boards appointing their own chairperson and vice-chairperson.

Steve Rose stated that he did not see any reason to change the Town Code that it would seem the Board would want to have the most qualified member of these boards to serve as chairman regardless of whether they are in-town members or out-of-town members.

Betsy Justice, residing at 103 Walden Drive and a member of the Planning Board, requested that the Board not change the present provisions of the Town Code.

Claudia Brown, a member of the Appearance Commission, requested that the provisions of the Town Code not be changed.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT ALTERNATIVE #1 OF THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE

CARRBORO LAND USE ORDINANCE TO PROVIDE THAT THE CHAIRPERSONS AND VICE-CHAIRPERSONS OF THE PLANNING BOARD, BOARD OF ADJUSTMENT, AND APPEARANCE COMMISSION SHALL BE SELECTED BY THE RESPECTIVE BOARDS" BE ADOPTED WITH THE PROVISION THAT THE LANGUAGE DEALING WITH RESIDENCY REQUIREMENTS BE STRICKEN. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the Town Attorney to prepare the necessary documents necessary to allow the Mayor to become a voting member of the Board of Aldermen.

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PUBLIC HEARING/ANNEXATION REQUEST/WILLOW CREEK SHOPPING CENTER AND BURGER KING RESTAURANT

Willow Creek Associates and A.T. Associates have requested voluntary annexations of their properties into the town limits of the Town of Carrboro.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK FOR OR AGAINST THIS MATTER. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE AREA KNOWN AS WILLOW CREEK SHOPPING CENTER AND THE BURGER KING RESTAURANT" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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STATUS REPORT ON ALABAMA AVENUE STREET PAVING PROJECT

Chris Peterson, Public Works Director, stated that the town's engineer had recommended that the town direct the contractor to suspend all work on Alabama Avenue until March 19, 1984. Mr. Peterson stated that the engineer was recommending this action in light of the present condition of the street due to the present weather conditions. Mr. Peterson further stated that the completion date for this project would be June 20, 1984.

Mr. Peterson informed the Board that the administration would be sending written notification to the residents of Alabama Avenue informing them of this action.

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There being no further business, the meeting was adjourned.

Sarah C. Williamson  
Town Clerk

James V. Ford  
Mayor