

A regular meeting of the Carrboro Board of Aldermen was held on June 12, 1984 at 7:30 p.m. in the Town Hall Board Room, the regular place of meeting.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Jim White
	John Boone
	Doug Anderson
	Joyce Garrett
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:  
Alderman Hilliard Caldwell

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE MINUTES OF MAY 22, 1984 BE APPROVED WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

VOTE OF APPRECIATION

The Board expressed its appreciation to Don Casper for a job well done during the time he served as Interim Town Manager. In addition, the Board expressed its appreciation to the town staff for coping so well under the restrictions of a tight budget and its ability to end the year with a \$90,000 fund balance.

\*\*\*\*\*

CHARGE TO NEW TOWN BOARD MEMBERS

A charge was issued by the Town Clerk to Donald Peninger, a recent appointee to the Planning Board and Douglas Sharer, a recent appointee to the Transportation Advisory Board.

\*\*\*\*\*

REQUESTS TO SET PUBLIC HEARINGS

(1) Conditional Use Permit Request/Chambers Ridge

Queens Realty Group of Charlotte has applied for a conditional use permit which will allow construction of 102 multi-family rental units on a 9-acre parcel on the south side of Westbrook Drive, formerly a part of the Weatherhill property. The parcel is presently zoned Residential-3.

206  
The administration requested that a public hearing be set for June 26, 1984.

(2) Conditional Use Permit Request/Fidelity Street Project

David Curl Building Associates has applied for a conditional use permit which will allow construction of 36 multi-family units in an architecturally integrated subdivision on three parcels of land known as the Howard Hearn Subdivision on Fidelity Street. The parcels are identified as Tax Map 98, Block 1, Lot 2B; Tax Map 102, Block D, Lot 28; and Tax Map 98, Block 1, Lot 2. The parcels are presently zoned Business-3.

The administration recommended that a public hearing be set for June 26, 1984.

(3) Ordinance Amending the Land Use Ordinance to Modify Parking Area Aisle Requirements

As a result of two recent development proposals, the planning staff has become aware that the ordinance provision that allows a 10-foot driveway for two-way traffic serving a parking area of not more than six spaces may be too restrictive. In addition, the planning staff believes that parking area aisle widths serving 90 degree angle parking may be reduced to 18 feet without danger to the public safety where only a small number of parking spaces are served and the parking area aisle does not serve as an access to other areas.

The administration recommended that a public hearing be set for June 26, 1984 to receive citizen comments on the proposed amendments.

The Board of Aldermen at its worksession held on June 6, 1984 concurred with the administration's recommendation.

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

\*\*\*\*\*

REQUEST FOR APPROVAL OF A POLICE TRAINING AGREEMENT

The administration recommended action be delayed on a request for approval of a police training agreement until additional information is received.

The Board concurred with the administration's recommendation and referred this matter back to the administration.

\*\*\*\*\*

TOWN CODE AMENDMENT/ADOPTION OF ORDINANCES

The 1983 General Assembly amended G.S. 160A-75, which provides that an ordinance may not be finally adopted on the

date it is introduced except by an affirmative vote of 2/3rds of the Board membership by clarifying that an ordinance is introduced on the date the subject matter is first voted on. Subsection 2-15(b) of the Town Code presently provides that when an ordinance requires a public hearing, the ordinance shall be considered introduced at the meeting when the Board sets a date for the public hearing. Since voting to set a public hearing does not appear to constitute a vote on the "subject matter" of the proposed amendment, this subsection appears to be in conflict with the state law as amended. Therefore the Town Attorney has drafted an amendment to bring the Town Code into conformity with the state law.

The Board of Aldermen at its worksession held on June 6, 1984 recommended approval of the attached ordinance.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING SECTION 2-15 OF THE TOWN CODE (ADOPTION OF ORDINANCES) TO CONFORM THE ORDINANCE TO A CHANGE IN THE STATE LAW" BE ADOPTED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

APPOINTMENT TO DOWNTOWN REVITALIZATION COMMITTEE

Mr. Pete Thorn of Capricorn Construction requests appointment to the Downtown Revitalization Committee.

The Board of Aldermen at its worksession held on June 6, 1984, recommended the appointment of Mr. Thorn to the Downtown Revitalization Committee.

It was the consensus of the Board to delay the appointment of Mr. Thorn to the Downtown Revitalization Committee until additional charges are assigned to the Committee.

\*\*\*\*\*

AMENDMENTS TO DRAINAGE POLICY

At its meeting on May 22, 1984, the Board of Aldermen adopted in principal several revisions to the town's drainage policy and directed the Town Attorney and Public Works Director to incorporate these changes into a revised town drainage policy statement. The revised policy and adopting resolution are attached.

The Board of Aldermen at its worksession held on June 6, 1984 recommended adoption of the revised policy and adopting resolution.

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

A RESOLUTION REVISING THE TOWN'S DRAINAGE POLICY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

208

Section 1. The attached town drainage policy, incorporated by reference herein, is hereby adopted.

Section 2. The attached policy becomes effective upon adoption and supersedes all previously adopted policies. However, the Tom's Creek Project, which has previously been considered by the town and respect to which the town has been awarded some funding assistance by the State and has applied for additional funding, shall not be affected or controlled by the attached policy.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 12th day of June, 1984:

Ayes: Boone, White, Norwood, Anderson

Noes: Garrett

Absent or Excused: Caldwell

\*\*\*\*\*

REQUEST FOR APPROVAL OF PROCEDURE FOR DISPOSING OF SURPLUS ITEMS WORTH LESS THAN \$500

Recently adopted legislation gives city councils the right to set up policies governing the disposal of town personal property valued at less than \$500.00 (any one item or a group of items). These policies would establish a procedure that would allow a designated town employee to arrange for disposal of surplus or outdated approval of relatively low value without securing council approval in each instance.

The administration recommends adoption of the attached resolution authorizing the convenient disposal of surplus personal property owned by the town having a value of less than \$500.00.

The Board of Aldermen at its worksession held on June 6, 1984, concurred with the administration's recommendation.

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

A RESOLUTION AUTHORIZING THE CONVENIENT DISPOSAL  
OF SURPLUS PERSONAL PROPERTY OWNED BY THE TOWN  
HAVING A VALUE OF LESS THAN \$500

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Town Manager is authorized to declare surplus any personal property valued at less than \$500.00 for one item or group of items and to dispose of such items in accordance with the provisions of this resolution.

Section 2. The Manager may authorize the town's purchasing agent to secure fair market value for the items which are declared surplus. The disposal may involve negotiated private sale, advertised sealed bids, or exchange for items of equal or greater value, except in the case of motor vehicles which must be sold by sealed bid. all such arrangements must have the approval of the Manager.

Section 3. In accordance with G.S. 160A-266(c), the purchasing agent "shall on the first day of February each year, report in writing to the Board of Aldermen on any property disposed of under this system from July 1 to December 31 of the previous year and shall, on August 1 of each year, do the same for property sold or exchanged, to whom it was sold or exchanged, and the amount of money or other consideration received from each sale or exchange."

Section 4. For purposes of this resolution, the term, "purchasing agent" shall refer to the employee on whom the duties of purchasing agent are conferred by the Town Manager.

Section 5. 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 12th day of June, 1984:

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

\*\*\*\*\*

RESOLUTION AUTHORIZING THE SALE OF ITEMS OF TOWN SURPLUS PERSONAL PROPERTY BY PUBLIC AUCTION OR SEALED BID

The administration recommended adoption of a resolution authorizing the sale of surplus personal property by auction or sealed bid. The sealed bids are proposed to be opened on Wednesday, June 27, 1984 at 2:00 p.m. The auction is scheduled for Saturday, July 14, 1984 at 10:00 a.m.

The Board of Aldermen at its worksession held on June 6, 1984, concurred with the administration's recommendation.

The following resolution was introduced by Alderman Boone and duly seconded by Alderman Anderson.

A RESOLUTION DECLARING ITEMS OF PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY BY PUBLIC AUCTION OR PRIVATE NEGOTIATED SALE

Whereas, Article 12 of the General Statutes, Chapter 160A, authorizes the town to dispose of personal property; and

Whereas, the town desires to dispose of certain items of surplus personal property;

Now, therefore, be it resolved by the Board of Aldermen of the Town of Carrboro:

1. That the following personal property are hereby declared surplus and, as indicated, the minimum bids across from the items shall apply:

For Sale by Sealed Bid:	For Sale at Auction.
Item            Minimum Bid	Item
1970 Ford Van-\$200.00	3 Victor Desk Calculators
1978 Dodge Aspen-\$400.00	1 TI 540 Desk Calculators
3M 209 Copier-\$50.00	1 Royal Electric Typewriter
John Deer Garden Tractor-\$100.00	30 Metal Chairs
Air Tire Changer-\$50.00	

2. That the Town Manager shall be and is hereby authorized to dispose of this surplus personal property at public auction or by sealed bid in accordance with statutory requirements.

3. That the public auction shall take place on Saturday, July 14, 1984 at 10:00 a.m. at the Town Hall, Carrboro, N.C.

4. That the terms of sale shall be to the highest bidder for cash (items specifying a minimum bid price shall be to the highest bidder equalling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

200

5. That all items shall be sold on an "as is" and "where is" basis and the town makes no guarantee of and assumes no responsibility for any of the items.

6. That it shall be a condition of sale that all items purchased shall be picked up and removed from the premises of the Town Hall by 1:30 p.m. on the day of the auction. Purchasers shall bear sole risk of loss of any items remaining on said premises past such time.

Be it resolved that if any of the surplus property is not sold at the public auction, the purchasing agent is hereby authorized to sale said surplus property by private negotiated sale under the provisions of General Statute 160A-267.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 12th day of June, 1984:

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

\*\*\*\*\*

#### TRANSPORTATION BUDGET AMENDMENT

The administration presented a budget amendment which would recognize increased receipts available to the Transportation Fund. In addition, the amendment would appropriate required funds to continue all services presently available for the remainder of the fiscal year.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'83-84 BUDGET ORDINANCE" TRANSFERRING \$11,005 TO THE TRANSPORTATION FUND BE ADOPTED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

#### PUBLIC HEARING/COLLECTOR ROADS PLAN

The purpose of this public hearing was to receive citizen comments on the proposed Collector Roads Plan.

Jerry Davenport, Planner, presented a report and visual presentation of the proposed collector roads plan.

Katherine Adams, a resident of Walters Road, spoke against the proposal to run a road through her property (the historic Weaver House property) on Walters Road. Mrs. Adams suggested a route in line with the Seawell School Road.

Al Radford, with the Department of Natural Resources, stated that the proposed road would eliminate most of the natural area of the Weaver House property and would disturb one of the remaining natural areas of the town.

Bob Anderson, with Bolin Forest Associates, spoke against the proposed route of the northern collector and stated that the proposed road will not be a collector road but a thoroughfare.

Bob Brogden, a resident of Broad Street, spoke against the proposed crosstown collector and urged the Board to consider the human element of such a proposal.

Debbie Rigden, residing on Walters Road, spoke against the proposed northern collector and asked what justification there was for such a proposal. Ms. Rigden suggested the installation of left turn lanes and lights to help alleviate some of the traffic problems in town.

Bill Louise, a resident of Walters Road, asked where all the cars proposed would be going in downtown Carrboro.

Gary Giles, residing at 402 James Street, presented a petition with 103 signatures from the residents of James Street and adjoining neighborhood opposing the proposed northern collector. These residents felt that the proposal would damage the livability and stability of their community, and safety of their children and the quality of life in general.

Mr. Giles presented several alternatives for routing the traffic.

George Atwater, residing on Broad Street, asked that Broad Street not be forgotten and opposed the proposed crosstown collector.

Frances Shetley, residing at 1102 Hillsborough Road, spoke against the proposed northern collector. Mrs. Shetley stated that the way the road is now aligned would go through the middle of her house.

Doug Dewey, residing at 206 James Street, spoke against the proposed route of the north collector and spoke in favor of possibly using Fayetteville Road as a collector.

Joe Parrish, residing in the Lloyd/Broad Street area, spoke against the proposed extension of Lloyd or Broad Street.

Frank Broom, residing at 300 Rainbow Drive, spoke in favor of the Fayetteville Road alignment.

Allen Spalt, resident at 300 James Street, spoke against the proposed northern collector.

Bobby Marshall spoke against the Broad/Lloyd Street extension.

Ray Allen Butler, a Lloyd Street property owner, spoke against the proposed crosstown collector running down Lloyd Street as it would go through his building.

Peggy Alston, a Carr Street resident, spoke against the extension of Carr Street.

Alderman White read a letter from Mrs. Emma G. Tripp, a property owner along Hillsborough Road, which spoke against the northern collector.

Brad Rigden, a resident of Walters Road, spoke against the northern collector.

Donnell Thompson, a resident of the Lloyd Street area, spoke against the crosstown collector.

Marvin Walker, the potential developer of the Tripp property on Hillsborough Road, requested that the Board make a decision on the northern collector.

Roman Kolidij, Mr. Walker's architect, stated that the Board should consider having Hillsborough Road and Greensboro Street upgraded to accommodate additional traffic.

Lucy McIver spoke against the collector roads plan.

LeRoyce Rice, a property owner on Lloyd Street, spoke against the crosstown collector.

Robin Lackey, a resident of Bolin Forest, spoke against the northern collector.

Richard Lutz, a James Street resident, spoke against the northern collector.

MOTION WAS MADE BY DOUG ANDERSON THAT THE PUBLIC HEARING BE CLOSED. MOTION WITHDRAWN.





212

J.H. Robertson, an Estes Drive resident, spoke against the extension of Estes Drive.

Wayne Hutchins, the owner of property along Homestead Road, spoke against the proposed northern collector.

Ellen Kepley, a Homestead Road property owner, spoke against 502 West Poplar Avenue, directly across from Lilac Drive, and is zoned Residential-10.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE PROPOSED NORTHERN COLLECTOR BE ABANDONED AND THAT THE STAFF BE DIRECTED TO DEVELOP A POLICY FOR THE CONSTRUCTION OF INTERCONNECTOR ROADS, INCLUDING STANDARDS FOR THOSE INTERCONNECTOR ROADS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE CROSSTOWN COLLECTOR BE DEFERRED UNTIL A LATER DATE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE SOUTHERN COLLECTOR BE DEFERRED UNTIL A LATER DATE. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

#### PUBLIC HEARING/FY'84-85 BUDGET

The purpose of this public hearing was to obtain citizen comments on the contents of the town's annual budget for FY'84-85, including the Revenue Sharing budget.

Don Casper, Finance Director, briefly outlined the revenues and expenditures proposed in the budget.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY ZONA NORWOOD THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

#### FINAL PLAT APPROVAL/POPLAR WEST TOWNHOUSES - PHASE 4

Eastern Equities Development Group is applying for final plat approval for Poplar West Townhouses - Phase 4. A conditional use permit was granted by the Board of Aldermen on April 26, 1983 to allow construction of 22 dwelling units in an architecturally integrated subdivision. The property is located at 502 West Poplar Avenue, directly across from Lilac Drive, and is zoned Residential-10.

Ellen Kepley, a Homestead Road property owner, spoke against the northern collector proposal.

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

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT condition that the developer post a performance bond or other security to ensure that all site improvements will be completed within ten months.



Greg Shepard, Zoning Administrator, stated that the administration was recommending approval of this request with the condition that the developer post a performance bond or other security to ensure that all site improvements will be completed within ten months.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT FINAL PLAT APPROVAL BE GRANTED SUBJECT TO THE CONDITION THAT A PERFORMANCE BOND OR OTHER SECURITY TO POSTED TO ENSURE THAT ALL SITE IMPROVEMENTS WILL BE COMPLETED WITHIN TEN MONTHS. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

OAKWOOD APARTMENTS/REQUEST FOR PERFORMANCE SECURITY

The Chapel Hill Housing Authority is requesting approval of performance security for a portion of the landscaping site improvements which will not be completed prior to occupancy of the Oakwood Housing Development.

Greg Shepard, Zoning Administrator, stated that the administration was recommending approval of this request due to the fact that all landscaping improvements cannot be completed before occupancy because of the current dry weather conditions.

Kenneth Coulter, the Housing Authority's landscape architect, stated that the larger trees proposed for installation should not be planted until this fall due to the present dry weather conditions. Mr. Coulter stated that all other landscape improvements should be installed anytime.

Judson Barrett, executive director of the Chapel Hill Housing Authority, spoke in favor of the Housing Authority's request and urged the Board's favorable consideration.

Steve Clapp, a neighbor of the housing development, expressed concern that the grass be planted in advance of occupancy of the units.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE HOUSING AUTHORITY'S REQUEST BE GRANTED BASED ON THE FACT THAT THE HOUSING AUTHORITY HAS \$33,116 ON DEPOSIT TO COMPLETE THE LANDSCAPING REQUIRED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

AGREEMENT WITH ANIMAL PROTECTION SOCIETY

Mike Brough stated that during one of the budget worksessions the Board tentative agreed to enter into an agreement with the Animal Protection Society to provide an animal shelter for the town in return for the payment of \$1,500. Since the town has had for the past several years a grant agreement with APS as part of its normal process for funding non-departmental agencies, he had added the additional services to this agreement. Mr. Brough pointed out that the proposed FY'84-85 budget would need to be amended to transfer

\$1,500 from the police department budget to the non-departmental budget.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHIT THAT THE AGREEMENT BE APPROVED AND THAT THE ANIMAL PROTECTION SOCIETY BE REQUESTED TO CONSIDER ASSUMING ALL ANIMAL CONTROL WITHIN CARRBORO. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS LITIGATION VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

There being no further business, the meeting was adjourned.

Sarah C. Williamson  
Town Clerk

J. Whit  
Mayor