

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 26, 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	Joyce Garrett
	Douglas Anderson
	John Boone
	Jim White
	Zona Norwood
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 JUNE 12, 1984 BE APPROVED WITH NECESSARY CORRECTIONS. VOTE: AFFIRMATIVE ALL

CHARGE TO NEW BOARD MEMBER

A charge was issued to Bill Aderholt, a new appointee to the OWASA Board of Directors.

PUBLIC HEARINGS SET

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE FOLLOWING PUBLIC HEARINGS BE SET AS RECOMMENDED BY THE ADMINISTRATION:

(1) Land Use Ordinance Map Amendment/Yaggy Tract

The administration proposes that a portion of the Yaggy tract be rezoned from B-1 and R-7.5 to R-3. The tract consists of approximately 18 acres of a total 22.79 acres in the tract. The purpose of the rezoning is that the administration has become aware that the property is being considered for development and the administration desires that the tract, which is one of the two major tracts in the downtown, be developed in a manner that is consistent with the recommended policies which are being proposed by the Blue Ribbon Downtown Revitalization Task Force.

The administration requested that a public hearing be scheduled for July 24, 1984.

(2) Final Report from Bond Task Force

The Board of Aldermen at its worksession held on June 20, 1984 received the final report from the Bond Task Force. The Board recommended acceptance of the report and recommended that a public hearing be scheduled for July 10, 1984 to receive public comments on the report.

The administration recommended that the Board consider holding two public hearings, one to cover Alternative A (Franklin Street Extension) and one to cover Alternative B (Community Improvements). The administration suggested that the first hearing be held on July 10 and the second hearing be held on July 11, 1984.

(3) Conditional Use Permit Request/Carrboro Square

Mid States Group, Inc. of Atlanta, Georgia has applied for a conditional use permit which would allow construction of 216

condominium dwelling units on a 19.7 acre parcel located south of Roberson Street between Maple Avenue and Eugene Street. The parcel is identified as Tax Map 99, Block D, part of Lot 19 and is presently zoned a combination of both Business-1 and Residential-7.5.

The administration requested that a public hearing be scheduled for July 24, 1984.

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CHAMBERS RIDGE

Queens Realty Group of Charlotte, N.C. has applied for a conditional use permit which will allow construction of 102 multi-family rental units on a 8.34-acre parcel on the south side of Westbrook Drive, formerly a part of the Weatherhill property. The parcel is presently zoned Residential-3.

Greg Shepard, Zoning Administrator, was sworn in.

Mr. Shepard presented the plans for this development. Mr. Shepard stated that the administration was recommending approval of the conditional use permit with the condition that the owner petition for voluntary annexation upon completion of each successive phase of the development. Mr. Shepard stated that all the conditions of the advisory boards had been included on the site plan except for the following: (1) Transportation Advisory Board recommendation that covered bike storage facilities be provided on the site; and (2) Appearance Commission recommendation that the 30-foot wide vegetation (tree) buffer along Westbrook Drive shall be protected from injury by erecting barriers during construction. Said buffer shall be required to be maintained as a type "A" screen.

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that there would be turning lanes on both sides of Highway 54 onto Westbrook Drive.

Julian Snipes, the developer, was sworn in. Mr. Snipes pointed out the specifics of this project and presented an artist's rendering of the project design.

Steve Dingeldein, a member of the Board of Directors of Weatherhill, was sworn in. Mr. Dingeldein expressed concern over the intersection of Westbrook and Highway 54 and the intersection of Westbrook Drive and the entrance to this property. Mr. Dingeldein also stated that these apartments would change the present environment of this area.

Mr. Snipes stated that the town administration had recommended the proposed location of the entrance to this project onto Westbrook, but that he concurred that this was the best location for this entrance.

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

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT 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 30-foot wide vegetation buffer along Westbrook Drive shall be protected from injury by erecting barriers during construction. Said buffer shall be required to be maintained as a type "A" screen.
- 4) That the developer be required to erect signs on both sides of Westbrook Drive warning motorists of the dangerous intersection at the entrance to this project.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE PROPERTY OWNER PETITION FOR VOLUNTARY ANNEXATION BEFORE OCCUPANCY PERMITS ARE ISSUED ON THE FINAL PHASE. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GARRETT)

PUBLIC HEARING/CONDITIONAL USE PERMIT/FIDELITY STREET PROJECT

David Curl Building Associates has applied for a conditional use permit which will allow construction of 36 multi-family residential 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; Tax Map 98, Block 1, Lot 2. The parcels are presently zoned Business-3.

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard presented the plans for this project. Mr. Shepard stated that the administration was recommending approval of this project as submitted. Mr. Shepard stated that all the advisory board recommendations had been included on the site plan with the exception of the recommendation from the Appearance Commission that when a site is constructed, it shall be constructed of painted or routed wood and externally illuminated.

Dale Falkner, representing David Curl, was sworn in. Mr. Falkner pointed out some of the specifics of the site plan.

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

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

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT 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) When a site sign is constructed, it shall be constructed of painted or routed wood and externally illuminated.

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/MODIFICATION OF 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 adoption of the ordinance amending the Land use Ordinance.

Roy Williford, Planning Director, explained the proposed amendments.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON 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 AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY THE PARKING AREA AISLES AND DRIVEWAY STANDARDS IN SMALL PARKING LOTS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

CARR MILL MALL UDAG APPLICATION

The purpose of this item is to provide the Board with a review of the additional information which will be submitted to HUD in order to strengthen the UDAG application previously submitted to HUD.

Roy Williford, Planning Director, stated that the following changes are being recommended to strengthen the Carr Mill Mall UDAG application: (i) an increase in building size from 27,180 to 34,380 square feet; (ii) an increase in the total number of jobs created as a result of the project; (iii) an increase in the private lending commitment of Connecticut Mutual from \$655,000 at 14% for 30 years to \$905,000 at 14.27% for 30 years; (iv) a decrease in the equity invested by Dr. French from \$37,400 to \$12,840; (v) an amendment in the project schedule by three months to reflect the three-month delay; and (vi) a change in the debt service and payments schedule to reflect the increase in funds borrowed from Connecticut Mutual. A change in the private/public financing ratio from 2.6 to 1 to 3.5 private dollars to 1 public dollar. (\$265,000 UDAG to \$917,840 private financing and a total cost of \$1,182,840.)

Lee Corum, representing Dr. French, spoke in behalf of the UDAG application and stated that a tenant had been secured for the top two floors of the proposed building.

This was provided as information, no action required.

RESOLUTION REQUESTING APPROVAL FROM THE LOCAL GOVERNMENT COMMISSION TO USE ALL REVENUES FROM ONE-HALF PERCENT ADDITIONAL SALES TAX

The town must make application to the Local Government Commission to use all of the additional one-half percent sales tax revenues for purposes other than water and sewer facilities. The regulations require that the attached resolution accompany the application to the Local Government Commission.

The Board of Aldermen at its worksession held on June 20, 1984 recommended approval of the attached resolution requesting approval from the Local Government Commission to use all revenues from the one-half percent additional sales tax.

Mike Brough explained that the N.C. Supreme Court in 1980 ruled that the town was responsible for providing water and sewer services to the newly annexed areas to the same extent the town was required to provide these services to areas already within the city limits. In a later case, the Supreme Court decided in the opposite direction, which would require the town to install water and sewer facilities. Mr. Brough stated that the request to the Local Government Commission is for one year only and the town has no plans to involuntarily annex during that time.

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

A RESOLUTION REQUESTING APPROVAL FROM THE LOCAL GOVERNMENT COMMISSION FOR THE TOWN TO USE ALL OF THE REVENUES FROM THE ONE-HALF PERCENT ADDITIONAL SALES TAX FOR PURPOSES OTHER THAN WATER OR SEWER FACILITIES

Whereas, the Town of Carrboro has not operated a water or sewer system since 1977; and

Whereas, water and sewer facilities are provided to the Town of Carrboro and other areas within southern Orange County by the Orange Water and Sewer Authority (OWASA), a separate, incorporated unit of local government duly constituted under G.S. Chapter 162A; and

Whereas, OWASA, not the Town of Carrboro, is responsible for meeting the projected capital needs for water and wastewater within OWASA's service area; and

Whereas, OWASA has the financial resources through its rate structure and bonding authority to meet the water and wastewater capital needs of its service area; and

Whereas, it clearly appears that OWASA can meet all of its capital needs during the petition period without the use of borrowed funds;

Now, therefore, the Board of Aldermen of the Town of Carrboro resolves:

Section 1. This petition shall apply to the period beginning with the initial receipt of funds from the one-half percent additional sales tax and ending June 30, 1985.

Section 2. During the petition period, as set forth in Section 1, the Board of Aldermen requests that the Local Government Commission authorize the town to use all of the revenues generated by the additional one-half percent sales tax for purposes other than water and sewer facilities.

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 26th day of June, 1984:

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

CERTIFICATION OF FIRE DEPARTMENT ROSTER

Each year by July 31st, a certification and complete roster of active firemen has to be sent to the North Carolina State Auditor in order to receive "line of duty" death benefits from the State. The administration requests that the Mayor and Fire Chief be authorized to sign and submit this certification to the Department of State Auditor.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE MAYOR AND FIRE CHIEF BE AUTHORIZED TO SIGN THIS CERTIFICATION. VOTE: AFFIRMATIVE ALL

RESTRICTIONS ON BILLBOARDS ALONG I-40

Mayor Porto presented a letter from Watts Hill, Jr. at the Board's worksession held on June 20, 1984 referencing restrictions on billboards along major transportation corridors. At the Board's request, a resolution has been prepared for the Board's consideration in response to Mr. Hill's request.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Zona Norwood.

A RESOLUTION SUPPORTING RESTRICTIONS
 ALONG MAJOR TRANSPORTATION CORRIDORS

WHEREAS, the Orange County Board of Commissioners established a Major Transportation Corridor District in the Orange County Land Use Plan; and

WHEREAS, this district is to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational and economic assets through the provision of special controls of public and private development along major transportation corridors.

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

Section 1. That it supports the Orange County Board of Commissioners in the establishment of the Major Transportation Corridor District and its intent to enhance the attractiveness and orderly development of land adjacent to major transportation facilities.

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 26th day of June, 1984:

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

ADOPTION OF BUDGET ORDINANCE FOR FY'84-85

In keeping with the Local Government Budget and Fiscal Control Act, the administration recommended adoption of a budget ordinance and pay plan for Fiscal 1984-85.

Mr. Morgan informed the Board of the proposed discontinuation of LEO funding. Mr. Morgan informed the Board that if these funds are discontinued, it will cost the town approximately \$15,400. Mr. Morgan informed the Board he would let the Board know when further information is received.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE BASIC INSURANCE POLICY WITH MUNICIPAL TRUST INSURANCE BE USED, THAT ALDERMAN WHITE'S PROPOSED CHANGES TO THE BUDGET BE APPROVED, AND THAT \$450.00 BE ADDED INTO THE TOWN ATTORNEY'S BUDGET FOR CONFERENCES. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GARRETT)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT THE FOLLOWING ORDINANCE BE ADOPTED:

BUDGET ORDINANCE 1984-85

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO, NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated for the operation of the Town of Carrboro and its activities for the fiscal year beginning July 1, 1984, and ending June 30, 1985, according to the following schedules:

SCHEDULE A - GENERAL FUND

Board of Aldermen	\$ 26,581
Town Manager	47,706
Town Attorney	41,317
Town Clerk	30,569
Administrative Services	158,610
Police	501,879
Fire	229,301
Planning & Zoning	195,508
Public Works	725,349
Recreation	219,799
Non-Departmental	<u>299,360</u>
TOTAL GENERAL Fund	\$2,475,979

SCHEDULE B - DEBT SERVICE

Water & Sewer Bonds, Principal and Interest	\$ 98,650
Fire Station Bonds, Principal and Interest	17,150
Recreation Facilities Bonds, Principal and Interest	<u>90,200</u>
TOTAL DEBT SERVICE	\$206,000

SCHEDULE C -TRANSPORTATION FUND

Non-Departmental	<u>\$178,791</u>
TOTAL TRANSPORTATION FUND	\$178,791

SCHEDULE D - GENERAL REVENUE SHARING

Administrative Services	\$ 15,050
Public Works	84,294
Police	<u>80,505</u>
TOTAL REVENUE SHARING	\$179,849

SCHEDULE E - CAPITAL PROJECTS

Transfer to General Fund	
Transfer to Debt Service	<u>\$ 98,328</u>
TOTAL CAPITAL PROJECTS	\$ 98,328

SCHEDULE F - CEMETERY PERPETUAL CARE FUND

Cemetery Perpetual Care Fund	<u>-0-</u>
TOTAL CEMETERY PETPETUAL CARE FUND	-0-

Section 2. It is estimated that revenues from the following major sources will be available during the fiscal year beginning July 1, 1984 and ending June 30, 1985, to meet the foregoing schedules:

SCHEDULE A - GENERAL FUND

General Property Taxes	\$1,095,936
Licenses and Permits	207,009
Revenues from Other Agencies	822,138
Other Revenue	296,500
Fund Balance Appropriated	<u>54,396</u>
TOTAL GENERAL FUND	\$2,475,979

SCHEDULE B - DEBT SERVICE FUND

General Property Taxes	\$ 5,010
Fund Balance Appropriated	12,140
Transfer from OWASA	98,650
Transfer from Capital Projects	<u>90,200</u>
TOTAL DEBT SERVICE FUND	\$ 206,000

SCHEDULE C - TRANSPORTATION FUND

General Property Taxes	\$ 90,157
UMTA Grant	<u>88,634</u>
TOTAL TRANSPORTATION FUND	\$ 178,791

SCHEDULE D - GENERAL REVENUE SHARING

General Revenue Sharing Grant	<u>\$ 179,849</u>
TOTAL GENERAL REVENUE SHARING	\$ 179,849

SCHEDULE E - CAPITAL PROJECTS

Fund Balance Appropriated	<u>\$ 98,328</u>
TOTAL CAPITAL PROJECTS FUND	\$ 98,328

SCHEDULE F - CEMETERY PERPETUAL CARE FUND

Transfer from General Fund	<u>\$ 9,500</u>
TOTAL CEMETERY PERPETUAL CARE FUND	\$ 9,500

Section 3. There is hereby levied the following rates of tax on each one-hundred (\$100) valuation of taxable property as listed for taxes as of January 1, 1984, for the purpose of raising the revenue constituting the general property taxes as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Fund (for the general expense incident to the proper government of the town)	\$.64
Transportation Fund	.052
Debt Service	<u>.003</u>
	\$.695

Such rates are based on an estimated total appraised valuation of property for purposes of taxation of \$170,397,847 and an estimated rate of collection of ninety-eight percent (98%).

Section 4. Copies of this ordinance shall be furnished to the Town Clerk and Finance Officer to be kept on file and used by the Finance Officer in disbursement of town funds.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 26th day of June, 1984:

Ayes: Boone, White, Anderson, Norwood
 Noes: Garrett

Absent or Excused: Caldwell

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

A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL 1984-85

WHEREAS, the Board of Aldermen have adopted a comprehensive Position Classification and Pay Plan; and

WHEREAS, the town staff has prepared the 1984-85 Pay Plan;

Section 1. The Pay Plan, dated July 1, 1984 - June 30, 1985, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 1984-85 fiscal year.

Section 2. All previously adopted versions of the Classification and Pay Plans which conflict with this resolution are hereby repealed.

Section 3. This resolution shall become effective on July 1, 1984.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June, 1984:

Ayes: White, Boone, Anderson, Norwood, Garrett

Noes: None

Absent or Excused: Caldwell

MUNICIPAL INSURANCE TRUST MEDICAL AND LIFE INSURANCE

In order for the Town of Carrboro to be able to provide medical and life insurance through the Municipal Insurance Trust of North Carolina, the Board must authorize the Mayor to sign an acceptance of trust agreement. The administration requested such authorization.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE MAYOR BE AUTHORIZED TO SIGN THE ACCEPTANCE OF TRUST AGREEMENT WITH MUNICIPAL INSURANCE TRUST OF NORTH CAROLINA FOR BASIC COVERAGE AND PLAN A LIFE INSURANCE (\$10,000 FOR ALL EMPLOYEES). VOTE: AFFIRMATIVE ALL

DELETION OF INTANGIBLES TAX

Mr. Morgan informed the Board that the N.C. Senate had adopted a bill (SB750) which will repeal the Intangibles tax over a five-year period, but provides for total replacement of lost revenues to local governments from a fixed share of state income tax revenues. Mr. Morgan informed the Board that the N.C. League of Municipalities is urging cities and towns to support this bill, which will have to be passed by the House.

N.C.D.O.T. RIGHT-OF-WAY TAKEOVER

Mr. Morgan informed the Board that the General Assembly is considering adoption of a bill that would allow the N.C. Department of Transportation to assume control of any municipal right-of-way if the N.C.D.O.T. deemed it necessary for a State project. Mr. Morgan stated that the Senate Judiciary III Committee has adopted a N.C. League of Municipalities' sponsored amendment which would require 90 days' notice to the affected municipality and a public hearing, if requested.

EXECUTIVE SESSION

MOTION WAS MADE BY JIM WHITE 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.

Sarah C. Williamson
Town Clerk

J. Port
Mayor