

A regular meeting of the Carrboro Board of Aldermen was held on October 9, 1984 at 7:30 p.m. in the Town Hall Board, the regular place of meeting.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Jim White
	John Boone
	Hilliard Caldwell
	Doug Anderson
	Joyce Garrett (arrived at 8:00)
Town Manager	Robert W. Morgan
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 SEPTEMBER 25, 1984 BE APPROVED WITH NECESSARY CORRECTIONS. VOTE: AFFIRMATIVE ALL

FIRE PREVENTION WEEK

Mayor Porto proclaimed the week of October 7-14 Fire Prevention Week in the Town of Carrboro.

RESOLUTION ENDORSING THE DISPLACED WORKER CREDIT COUNSELING SERVICE PROPOSED BY ORANGE CONGREGATIONS IN MISSION

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

A RESOLUTION ENDORSING THE
DISPLACED WORKER CREDIT COUNSELING SERVICE
PROPOSED BY ORANGE CONGREGATIONS IN MISSION
RESOLUTION No. 15/84-85

WHEREAS, between January and March, 1984, 550 individuals become unemployed as a result of the closing of Cone Mills, Inc. in Hillsborough; and

WHEREAS, to date, many of these workers remain unemployed, underemployed, or employed in jobs paying lower wages than they formerly received; and

WHEREAS, the closing of Cone Mills, Inc. placed many of its former workers in an extremely difficult financial situation, resulting in a critical need for a credit counseling service to serve as an advocate for the worker and to mediate reduced payments plans between them and their creditors; and

WHEREAS, Orange Congregations in Mission (OCIM) has developed a proposal to provide a credit counseling service to displaced workers and their families; and

WHEREAS, OCIM has sought grants and gifts to fund this program from Cone Mills, Inc., the Gunter/Cooke Foundation, Orange County, the Town of Hillsborough, and Joint Orange-Chatham Community Action;

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

Section 1. The Board commends Orange Congregations in Mission for its efforts to establish a credit counseling service for former employees of Cone Mills, Inc., strongly endorses the proposal as a needed response to a significant

problem, and urges the agencies from which funds have been sought to support the program in the full amount requested.

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 9th day of October, 1984:

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

REQUESTS TO SET PUBLIC HEARINGS

- (1) Conditional Use Permit Request/Jones Ferry Road Apartments

The Don Woodbury Company of Dallas, Texas has applied for a conditional use permit which would allow construction of 132 apartments on a 9.11-acre site located on the southeast corner of Jones Ferry Road and S.R. 1937. The property is identified as Tax Map 116, Lot 5 and is zoned Residential-3.

The administration requested that a public hearing be scheduled for October 23, 1984.

- (2) Conditional Use Permit Renewal/Byrd's Shopping Center

Datec, Inc. has applied for renewal of the conditional use permit for the shopping center located at 300 East Main Street owned by Cos-Wat Dairy Distributors. The present permit allows the operation of retail and manufacturing uses on the property. No new construction or changes in use are requested. The property is located on the south side of Roberson Street and contains approximately 2.7 acres. The property is zoned Business-1. The parcel is identified as Tax Map 92, Block A, Lot 5.

The administration requested that a public hearing be set for October 23, 1984.

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

PUBLIC HEARING/LAND USE ORDINANCE MAP AMENDMENT/JAMES MOORE PROPERTY ON HIGHWAY 54 BYPASS

Mr. James A. Moore has petitioned the Board of Aldermen to rezone his property, which consists of 9.43 acres, lying west of Highway 54 Bypass (south of Tar Heel Manor and north of S.R. 1935) from R-3 to B-4.

Jerry Davenport, the town's planner, presented a report on the proposed rezoning. Mr. Davenport stated that the town staff was recommending against the proposed rezoning because of the following:

- 1) The uses in the existing district (R-3) are more suitable to the character of the area than that of the new district (B-4);
- 2) The land is more peculiarly suited for high density residential uses of the R-3 than for many of the possible uses which might arise from a B-4 district; and

3) The uses in the R-3 district are more consistent with the principle of appropriate use of land throughout the town than would the uses allowable in the B-4 district. In addition, retail and office opportunities outside the downtown were identified as a threat to the revitalization of the downtown by the Blue Ribbon Downtown Revitalization Task Force.

Mike Brough stated that it was his opinion that rezoning this property would be considered "spot zoning". In addition, Mr. Brough cautioned the Board that, while it is permissible for a property owner to explain to the Board what he intends to locate on his property if rezoned, this information should be considered by the Board only for purposes of explaining the reason why the owner is seeking the rezoning. The Board may not rely upon the representations of the owner or developer that any particular type of development will be constructed; instead the Board's decision must be based upon its conclusion as to whether the requested zone is consistent with the public health, safety, and welfare, given the entire range of possible developments that may be located on the property under the land use ordinance if the rezoning is obtained.

(Alderman Garrett arrived at the meeting.)

Griffin Graves, representing James Moore, agreed with the Town Attorney's definition of spot zoning and contract zoning. Mr. Graves suggested that the town's land use ordinance is out of date in that the town has reached a saturation point in multi-family housing. Mr. Graves stated that this would not be spot zoning due to the fact of the variety of zones along the area proposed in this rezoning. Mr. Graves pointed out that historically residential developments develop on collector streets, not on major arterials. Mr. Graves stated that he did not agree with the town staff that this rezoning would negatively affect neighboring properties. Mr. Graves stated that the rezoning of this property will encourage the most appropriate use of the land. Mr. Graves stated that he had talked with several members of the Downtown Revitalization Task Force and they spoke in favor of this rezoning and don't feel it will have any impact on downtown businesses. Mr. Graves pointed out that a B-4 business would create more tax revenues for the town than if this property were developed with residential units. In addition, Mr. Graves pointed out that if the car dealership, as Mr. Moore is proposing, is built on this property, approximately 65 new jobs would be created.

Tom Hefner, a real estate appraiser in Chapel Hill, stated that he did not think a car dealership would have any more negative impact on the surrounding neighborhood than 135 apartment units.

Diana Woolley, Chairman of the Planning Board, stated that the Planning Board recommended denial of this rezoning because it is not consistent with the zoning plan and the commercial rezoning proposal.

Kathy Buck, residing on Old Fayetteville Road, presented a petition protesting the zoning district change and requiring a three-fourths vote of the Board of Aldermen. Ms. Buck spoke on behalf of the residents along the west side of Old Fayetteville Road, who are against the proposed rezoning as the rezoning will negatively impact on these residents. Ms. Buck also presented a letter from the manager of Chateau Apartments speaking in opposition to the proposed rezoning. As a member of Downtown Revitalization Task Force, Ms. Buck spoke against the rezoning of this property to B-4 as it will take business away from the downtown area.

Emmett Pendergraph, an adjacent property owner and a member of the Planning Board, spoke in favor of the rezoning and

offered his property for rezoning to B-4 in order to prevent this proposal from being considered spot zoning.

Eleanor Kinnaird, a resident of W. Poplar Avenue, spoke against the proposed rezoning stating that it will significantly alter the character of the existing neighborhood.

Cindy Sharer, residing at 501 W. Poplar Avenue, spoke against the rezoning due to the fact that the property proposed for rezoning is in a residential neighborhood and also pointed that strip development causes traffic problems.

Janet Ryan, an adjacent property owner, spoke against the proposed rezoning because the rezoning will negatively impact on her family's property. Ms. Ryan also stated automobile exhaust fumes will be detrimental to her mother's health problems.

Lynn VanNess, representing the Chamber of Commerce, spoke in favor of the proposed rezoning and urged that access to Highway 54 Bypass should be limited.

Betsy Justice, a member of the Planning Board, spoke in opposition to the proposed rezoning and noted that if a car dealership is located on this property, it will cause severe noise pollution and possible flooding problems because of the amount of paved surface.

Leon Fink, a resident of the area of the proposed rezoning, spoke against the rezoning request and urged the Board to listen to the advice of the Planning Board and planning staff.

Ellen Sheridan, residing on W. Poplar Avenue, spoke against the proposed rezoning in that it will increase traffic in the neighborhood.

Gary Phillips, a Carrboro businessman, spoke against the proposed rezoning and stated that it has been noted that crime increases with a mix of residential and commercial uses.

Hydie Perry, a resident of Mary Street, spoke against the proposed rezoning in that it will increase traffic in the neighborhood.

Ken Moore, a resident of the area of the proposed rezoning, spoke against the rezoning and stated that the aesthetics of the surrounding neighborhood, if a car dealership is placed on this property, will be negatively affected.

Steve Rose, residing on Hanna Street, spoke against the proposed rezoning and stated that B-4 zoning in this area is incompatible with the surrounding area.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY DOUG ANDERSON THAT THIS PUBLIC HEARING BE CONTINUED TO A SPECIAL MEETING ON NOVEMBER 7, 1984 AT 7:30 P.M., THAT THE REZONING PROPOSAL BE REFERRED BACK TO THE PLANNING BOARD, AND THAT THE ISSUE OF HIGHWAY 54 BYPASS ACCESS BE REFERRED TO THE PLANNING BOARD AND TRANSPORTATION ADVISORY BOARD FOR FURTHER CONSIDERATION AND THAT THESE BOARDS BE REQUESTED TO PRESENT A RECOMMENDATION ON THIS PROPOSAL BY THE NOVEMBER 7TH MEETING.
VOTE: AFFIRMATIVE ALL

FIRST READING/FRANCHISING ORDINANCE AND ALERT CABLE T.V. FRANCHISE

The Board of Aldermen at its meeting of September 25, 1984 delayed action on this matter until tonight's meeting in order to give representatives of Alert Cable T.V. an opportunity to review the franchise ordinance and franchise.

The town administration met with representatives of Alert Cable T.V. on October 3, 1984 to discuss these documents. The Alert representatives requested some changes, which the administration has incorporated into the documents for the Board's consideration.

Mr. Morgan presented a comparison of rates and channels of local cable companies for the Board's consideration.

October Ivans, a member of the Cable T.V. Committee, stated that the Cable T.V. Committee had not looked at the rates being charged by Alert, but urged the Board to consider requesting Alert to phase the rate increase.

Pete Pettis, representing Alert Cable T.V., stated that Alert was requesting rate increases from all towns who presently receive cable service from Alert.

Alderman Norwood requested the Board consider requiring Alert to drop the playboy channel.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE ORDINANCES ENTITLED, "AN ORDINANCE REGULATING THE CABLE TELEVISION FRANCHISING PROCESS AND THE OPERATIONS OF CABLE TELEVISION FRANCHISEES" AND "AN ORDINANCE GRANTING A CABLE TELEVISION FRANCHISE TO ALERT CABLE T.V. OF NORTH CAROLINA, INC." BE ADOPTED ON FIRST READING. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (GARRETT, NORWOOD)

ESTABLISHMENT OF HUMAN SERVICES ADVISORY COMMISSION

The Board of Aldermen at its Planning Workshop held on September 8, 1984 requested the Planning Committee to consider the establishment of a Human Services Advisory Commission. The Planning Committee met on September 26, 1984 and recommended the establishment of such a commission consisting of seven members, who would be charged with studying all funding applications received by the town from non-departmental agencies and making recommendations to the Board of Aldermen on these funding requests.

The Town Attorney has prepared an ordinance to provide for the establishment of a Human Services Advisory Commission for the Board's consideration.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 3 OF THE TOWN CODE TO PROVIDE FOR THE ESTABLISHMENT OF A HUMAN SERVICES ADVISORY COMMISSION" BE ADOPTED AND THAT THE TOWN CLERK BE INSTRUCTED TO ADVERTISE FOR THESE POSITIONS. VOTE: AFFIRMATIVE ALL

RECOMMENDATIONS FROM CEMETERY ADVISORY COMMISSION

The administration recommended that this item be withdrawn from tonight's agenda.

It was the consensus of the Board to place this item on the October 23rd agenda.

FORMAT FOR CABLE T.V. BOND PRESENTATION

Mr. Morgan presented the format of the cable t.v. bond presentation scheduled for October 30th.

Alderman Garrett expressed her concern that she was taking advantage of her political position by appearing on this

program in that not all citizens of the town will be able to appear on this program.

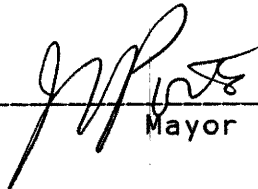
It was the consensus of the Board to approve the suggested format.

PERFORMANCE BOND FOR OAKWOOD APARTMENTS

Mike Brough explained that he had received a request from the attorney for the Chapel Hill Housing Authority with regard to the performance bond requirement for Oakwood Apartments. Mr. Brough explained that the Land Use Ordinance requires that the Housing Authority deposit some sort of security so that the Oakwood Apartments can be occupied before the landscaping is completed. In addition, security would be required with respect to the one-year warranty on the street that is to be dedicated to the town. Mr. Brough stated that the Housing Authority is requesting that it be allowed to execute its own bond, without additional security, in view of the fact that its contract with the general contractor covers both the landscaping and the one-year warranty, and this contract is guaranteed by a performance bond.

It was the consensus of the Board to leave this matter to the Town Attorney's discretion for resolution.

There being no further business, the meeting was adjourned.



Mayor



Town Clerk