A regular meeting of the Carrboro Board of Aldermen was held on October 23, 1984 at 7:30 p.m. in the Town Hall Board Room, the regular place of meeting.

Present and presiding:

Mayor Aldermen James V. Porto, Jr. Joyce Garrett Doug Anderson Hilliard Caldwell Jim White

Town Manager Town Clerk Town Attorney Zona Norwood Robert W. Morgan Sarah C. Williamson Michael B. Brough

Absent:

Alderman

John Boone

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE MINUTES OF OCTOBER 9, 1984 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FROM CITIZEN

Ms. Christine Gallashaw, residing on Boyd Street, requested the Board's assistance in having something done about the raw sewage running on top of the ground on property owned by Bessie Alston on Padgette Lane. In addition, Ms. Gallashaw asked for the Board's assistance in having the junk cars removed from Butler's Garage. Ms. Gallashaw also requested the Board's assistance in preventing people from walking through her property despite her effort to erect a fence.

REQUESTS TO SET PUBLIC HEARINGS

(1) Miscellaneous Land Use Ordinance Amendments

The administration recommended that the Board of Aldermen set a public hearing on a set of miscellaneous Land Use Ordinance Amendments and refer them to the Planning Board for its recommendation.

The Board of Aldermen at its worksession held on October 17, 1984 recommended that a public hearing be set for November 27, 1984.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR NOVEMBER 27, 1984. VOTE: AFFIRMATIVE ALL

(2) Voluntary Annexation Request/Phases 3,4, and 5 Woodbridge Apartments

Thomas A. Hunter, III of Charter Properties Associates has requested that the remaining Woodbridge Apartment property (Phases 3,4, and 5), containing approximately 9.5 acres located southwest of the intersection of Jones Ferry Road and N.C. Highway 54 Bypass, be annexed by the Town of Carrboro.

The administration recommended that the Board of Aldermen accept the petition for annexation, instruct the Town Attorney to draft an annexation ordinance, and

adopt a resolution setting a public hearing for November 13, 1984.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF WOODBRIDGE APARTMENTS, PHASES 3, 4, AND 5 UPON THE REQUEST OF THE PROPERTY OWNER RESOLUTION No. 16/84-85

WHEREAS, the Town of Carrboro has received a petition from Joe M. Harris requesting that his property known as Woodbridge Apartments, Phases 3, 4, and 5 be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that 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 November 13, 1984 to consider the voluntary annexation of Woodbridge Apartments, Phase 3, 4 and 5.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the <u>Chapel Hill News-paper</u> 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 23rd day of October, 1984:

Ayes: Garrett, Anderson, White, Norwood, Caldwell Noes: None

Absent or Excused: Boone

(3) Voluntary Annexation Request/Harris, Inc.

Joe M. Harris has requested that his property (7.85 acres) located on the southwest side of N.C. Highway 54 Bypass across from Oleander Drive, be annexed by the Town of Carrboro, effective December 31, 1984.

The administration recommended that the Board of Aldermen accept the petition for annexation, instruct the Town Attorney to draft an annexation ordinance, and adopt the attached resolution which sets a public hearing for November 13, 1984.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF HARRIS, INC. UPON THE REQUEST OF THE PROPERTY OWNER RESOLUTION No. 17/84-85

WHEREAS, the Town of Carrboro has received a petition from Joe M. Harris requesting that his property known as Harris, Inc. be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that 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 CARBORO RESOLVES:

Section 1. The Board of Aldermen shall hold a public hearing on November 13, 1984 to consider the voluntary annexation of Harris, Inc.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the <u>Chapel Hill News-paper</u> 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 23rd day of October, 1984:

Ayes: White, Caldwell, Norwood, Garrett, Anderson

Noes: None

Absent or Excused: Boone

(4) Land Use Map and Text Amendment/Highway 54 Bypass R-3 District

The administration requested that the Board of Aldemen set a public hearing for November 7, 1984 to: (1) consider whether to rezone several tracts of land lying between Highway 54 Bypass and Old Fayetteville Road from R-3 to B-4 or allow an overlay zone which would allow commercial uses in addition to R-3 uses, and (2) to consider whether to amend the Land Use Ordinance to create a commercial overlay district.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR NOVEMBER 7, 1984. VOTE: AFFIRMATIVE ALL

LWCF_GRANT

The LWCF grant for the Community Park will expire on December 31, 1984. Approximately \$120,000 remains available for the town's use in developing outdoor recreation opportunities.

The Board of Aldermen at its worksession held on October 17, 1984 recommended that since a viable option to utilize the remaining grant funds does not presently exist, that the administration be directed to request an additional one-year extension of the project term.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE ADMINISTRATION BE DIRECTED TO REQUEST AN ADDITIONAL ONE-YEAR EXTENSION OF THE PROJECT TERM. VOTE: AFFIRMATIVE ALL

AMENDMENT TO FARMERS MARKET AGREEMENT

Mr. Jack Hanton, representing the Chapel Hill-Carrboro Farmers Market, Inc., has submitted a request that the agreemment between the town and the farmers organization be amended to allow the reservation of up to three spaces to vendors who have attended and sold from the Carrboro market for at least seventeen weeks during the previous market season. The agreement presently states that a vendor may reserve up to two spaces.

The Board of Aldermen at its worksession held on October 17, 1984 recommended approval of the requested amendment.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE REQUESTED AMENDMENT BE APPROVED. VOTE: AFFIRMATIVE ALL

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.

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard presented the plans for the proposed project and stated that the administration was recommending approval of the project with the following conditions:

- 1) That a standard 4 foot sidewalk be constructed along the property frontage on S.R. 1937 and Jones Ferry Road;
- 2) That the proposed roadway improvements on S.R. 1937 be 30 feet from the curb face to the edge of pavement within the proposed 70 foot right-of-way;
- 3) That all downhill edges of drives and parking areas which conduct water shall be concrete; either curb, curb and gutter, or edge of sidewalk;
- 4) That the developer will allow the bus to utilize the private drives through the development, if necessary, when bus service is extended to the development;
- 5) That the developer will construct a bus shelter and pull off area to town specifications on either Jones Ferry Road or S.R. 1937 when bus service is extended to the developmment;
- 6) That if either the town or N.C.D.O.T. determines that access through the Jones Ferry Road entrance should be restricted to right turns in and right turns out only, then the owner shall construct a traffic island to insure that vehicular traffic is limited to these movements.

Mr. Shepard stated that the Transportation Advisory Board was recommending approval of the application with the following conditions:

- 1) That the proposed 120 foot taper along the south side of Jones Ferry Road be constructed 12 feet wide for its entire length with curb and gutter and a painted line designating the taper;
- 2) That a letter from Piedmont Electric be submitted verifying that they will serve the site;
- 3) That a standard 4 foot sidewalk be constructed along the property frontage on Jones Ferry Road and S.R. 1937;
- 4) That the proposed roadway improvement on S.R. 1937 be 30 feet from the curb face to the edge of pavement within the proposed 70 foot right-of-way;
- 5) That the developer will allow the bus to utilize the private drives through the development, if necessary, when bus service is extended to the development;
- 6) That the developer will construct a bus shelter and pull off area to town specifications on either Jones Ferry Road or S.R. 1937 when bus service is extended to the developmment;
- 7) That the proposed curb and gutter and pavement along the east side of S.R. 1937 be extended approximately 50 feet to the southeastern property line.

- Mr. Shepard stated that the Appearance Commission was recommending approval of the application with the following conditions:
- 1) The type of trees planted for screen along roadways will be from the list of recommended trees in the Land Use Ordinance and will have a minimum 2^{n} caliper size;
- 2) Any existing trees designated to remain will be replaced if they die due to construction;
- 3) That some device or technique will be used in parking areas to prevent autos from overhanging sidewalks;
- 4) That the signs for the development be made of routed wood and externally lit.

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that the N.C.D.O.T. indicated earlier this summer that they intended to make some improvements along Jones Ferry Road in front of the Willow Creek Shopping Center. However, that particular project did not come in at bid price. Therefore, N.C.D.O.T. will now have to rebid the entire project. Those improvements are intended to tie-in the roadway system in front of Woodbridge and Willow Creek with the existing roadway system and provide for turning movements in that area. Mr. Williford stated that if the Board feels uncomfortable with the proposed access into this proposed development, it would be appropriate to limit this access to right turns in and right turns out only.

Diana Woolley, Chairman of the Planning Board, was sworn in. Ms. Woolley stated that the Planning Board was recommending approval of the application with the following conditions:

- 1) That the proposed 120 foot taper along the south side of Jones Ferry Road be constructed 12 feet wide for its entire length with a painted line designating the taper;
- 2) That a leter from Piedmont Electric be submitted verifying that they will serve the site;
- 3) That a standard 4 foot sidewalk be constructed along the property frontage on Jones Ferry Road and S.R. 1937;
- 4) That the proposed roadway improvement on S.R. 1937 be 29 feet from the curb face to the edge of pavement within the proposed 70 foot right-of-way;
- 5) That the developer will allow the bus to utilize the private drives through the development, if necessary, when bus service is extended to the development;
- 6) That the developer will construct a bus shelter and pull off area to town specifications on either Jones Ferry Road or S.R. 1937 when bus service is extended to the development.

Bob Anderson, representing the developer, was sworn in. Mr. Anderson stated that the developer would consent to annexation upon completion of the project; requested relief from the requirement to install a four-foot sidewalk along Jones Ferry Road and S.R. 1937; requested that the bus shelter be located within the project; requested that parking bumpers not be required; and stated that it was important to have direct access to Jones Ferry Road for marketing purposes.

Phillip Post, the town's consulting engineer, was sworn in. Mr. Post stated that there were several areas within the development that should have concrete or stone curbing instead of timbers because of the steepness of some of the downhill slopes. Mr. Post stated that timbers would be acceptable for curbing on the uphill side of the development.

Robin Dorf, representing Weatherhill and Dr. Odum, was sworn in. Mr. Dorf expressed concern that Weatherhill nor Dr. Odum would be unable to obtain driveway access onto Jones Ferry Road if access is given the proposed development because of their close proximity to this development. Mr. Dorf also expressed concern that Weatherhill would be required to continue the 20 foot taper along Jones Ferry Road if their property is developed. Mr. Dorf explained that at one time the thoroughfare was shown running through the University's property, now is it is shown running through Dr. Odum's property. Mr. Dorf also requested that Dr. Odum be given access through the proposed development onto S.R. 1937.

Roy Williford stated that the thoroughfare was realigned to elminate a bridge crossing and major construction costs.

Jay Parmeling, representing the Don Woodbury Company, was sworn in. Mr. Parmeling pointed out the location of the sewer easement across the Odum property and stated that Dr. Odum would be given access across the proposed development to S.R. 1937.

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

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

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ZONA NORWOOD THAT, YES, THE APPLICATON 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) That all downhill edges of drives and parking areas which conduct water shall be concrete; either curb, curb and gutter, or edge of sidewalk.
- 4) That the developer allow the bus to utilize the private drives through the development, if necessary, when bus service is extended to the development.
- 5) That the developer construct a bus shelter and pull off area to Town of Carrboro specifications on either side of Jones Ferry Road or S.R. 1937 or within the development when bus service is extended to the development.
- 6) The type of trees planted for the screening along the roadways shall be from the list of recommended trees in the Carrboro Land Use Ordinance and shall have a minimum two-inch caliper size.
- 7) Any existing trees designated to remain will be replaced with four to six-inch caliper trees if they die due to construction.

- 8) That the signs for the development be subject to the approval of the Zoning Administrator and not be internally lighted.
- 9) That if either the Town of Carrboro or the North Carolina Department of Transportation determines that access through the Jones Ferry Road entrance should be restricted to right turns in and right turns out only, then the owner shall construct a traffic island to ensure that vechicular traffic is limited to these movements.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DOUG ANDERSON AND SEONDED BY ZONA NORWOOD THAT A STANDARD FOUR-FOOT SIDEWALK BE CONSTRUCTED ALONG THE PROPERTY FRONTAGE ON JONES FERRY ROAD AND THAT A FOUR-FOOT GRADED AND SEEDED AREA E DESIGNATED ALONG THE PROPERTY FRONTAGE ON S.R. 1937 FOR A FUTURE SIDEWALK. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JIM WHITE THAT THE PROPOSED ROADWAY IMPROVEMENT ON S.R. 1937 BE 30 FEET FROM THE CURB FACE TO THE EDGE OF PAVEMENT WITHIN THE PRPOSED 70 FOOT RIGHT-OF-WAY. VOTE: AFFIRMATIVE THREE, NEGATIVE TWO (GARRETT, CALDWELL)

MOTON WAS MADE BY JIM WHITE AND SECONDED BY ZONA NORWOOD THAT THE DEVELOPER REQUEST VOLUNTARY ANNEXATION UPON COMPLETION OF THE PROJECT AND BEFORE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GARRETT)

PUBLIC HEARING/CONDITIONAL USE PERMIT RENEWAL

Datec, Inc. has applied for renewal of the conditional use permit for the shopping center 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 were requested. The property is located on the south side of East Main Street between Padgette Lane and Roberson Street, contains approximmately 2.7 acres and is zoned Business-1. The parcel is identified as Tax Map 92, Block A, Lot 5.

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that the administration was recommending approval of the request for renewal of this conditional use permit with the stipulation that Condition #5 of the original permit (That the traffic flow be redesigned if and when a traffic light is installed at the Lloyd Street intersection, so as to allow traffic to exit at this location.) is carried forward in the issuance of the renewed permit.

Mr. Shepard stated that the Appearance Commission and the Transportation Advisory Board both were recommending approval of the conditional use permit renewal without conditions.

Diana Woolley, Chairman of the Planning Board, was sworn in. Ms. Woolley stated that the Planning Board was recommending that the conditional use permit renewal be approved.

MOTION WAS MADE BY DOUG ANDERSON 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 JIM WHITE AND SECONDED BY DOUG ANDERSON THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE

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

MOTION WAS MADE BY JIM WHITE 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) That the traffic flow be redesigned if and when a traffic light is installed at the Lloyd Street intersection, so as to allow traffic to exit at this location.

VOTE: AFFIRMATIVE ALL

PRESENTATION OF AUDIT REPORT

Bob Nelson, with the town's audit firm, Deliotte, Haskins & Sells, presented the audit report for Fiscal Year 1983-84.

EIRST READING/FRANCHISING ORDINANCE AND ALERT CABLE T.Y. FRANCHISE

The Board of Aldermen at its meeting of October 9, 1984 adopted on first reading the ordinance regulating the cable television franchising process and the operations of cable television frachisees. In addition, the Board adopted on first reading the ordinance granting a cable television franchise to Alert Cable T.V. of North Carolina, Inc. These two ordinances were before the Board of Aldermen tonight for second reading.

Mr. Morgan stated that several changes were proposed in these documents, and because some of the changes are significant, two additional readings will be required. Therefore, the administration recommended that the Board adopt these two ordinances tonight on first reading and that the ordinances be considered on November 13, 1984 for second reading.

MOTION WAS MADE BY ZONA NORWOOD AND SECONDED BY JIM WH!TE THAT THE ORDINANCE ENTILED, "AN ORDINANCE REGULATING THE CABLE TELEVISION FRANCHISING PROCESS AND THE OPERATIONS OF CABLE TELEVISION FRANCHISES" AND THE ORDINANCE ENTITLED, "AN ORDINANCE GRANTING A CABLE TELEVISION FRANCHISE TO ALERT CABLE T.V. OF NORTH CAROLINA, INC." BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GARRETT)

WATER CONSERVATION ORDINANCE AMENDMENT

The Orange Water and Sewer Authority has requsted that the town modify its water conservation ordinance to make it more strict.

The Board of Aldermen at its worksession held on October 17, 1984 requested that this item be placed on tonight's discussion agenda.

Aldermen Garrett pointed out several minor changes that she WOUld like to see in the ordinance.

MOTION WAS MADE BY JIM WHITE AND SECONED BY DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING ARTICLE III OF CHAPTER FIVE OF THE TOWN CODE, RELATING TO WATER CONSERVATION RESTRICTIONS," BE ADOPTED AS AMENDED. VOTE: AFFIRMATIVE ALL

PAY GRADE ADJUSTMENT RECOMMENDATIONS

The administration recommended that the Position Classification and Pay Plan be amended to reflect the following pay grade adjustments:

Position Title	Erom	Ιο
Town Clerk	Grade 13	Grade 14
Admin. Asst. I/Public Works Admin. Asst. II/Public Works	Grade 8	Grade 10
Accounting Tech./Admin. Services Accountant I/Admin. Services	Grade 10	Grade 12
Sanitation Equip. Operator/P.W. Sanitation Equip. Operator II/P.W	Grade 2	Grade 6

The administration further recommended these adjustments include a 5% salary increase to become effective November 1, 1984, with the exception of the Sanitation Equipment Operator II, which was recommended to become effective January 1, 1985, commersurate with the arrival of the new sanitation vehicle.

The Board of Aldermen at its worksession held on October 17, 1984 requested that this item be placed on tonight's discussion agenda.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE REQUESTED CHANGES AND SALARY INCREASES BE APPROVED. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO CABLE TELEVISION COMMITTEE

It was the consensus of the Board of Aldermen to request the administration to contact the members of the Cable T.V. Ad Hoc Committee to see if they are interested in serving on the town's permanent Cable Television Committee.

HARRIS. INC. LIGHTS

Alderman Anderson stated that he had been contacted by residents of Windwood concerning the reflection of lights from the sign on the Harris, Inc. property and requested that the administration look into this matter.

There being no further business, the meeting was adjourned.

Mayor

Town Clerk