A regular meeting of the Carrboro Board of Aldermen was held on December 11, 1984 in the Fire Department Classroom at 7:30 p.m.

#### Present and presiding:

Mayor Pro Tem Aldermen John Boone
Zona Norwood
Hilliard Caldwell
Doug Anderson
Robert W. Morgan
Sarah C. Williamson
Michael B. Brough

Town Manager Town Clerk Town Attorney

#### Absent:

Mayor Aldermen James V. Porto, Jr. Joyce Garrett Jim White

#### APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ZONA NORWOOD THAT THAT THE MINUTES OF NOVEMBER 27, 1984 BE APPROVED. VOTE: AFFIRMATIVE ALL

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#### REQUESTS TO SET PUBLIC HEARINGS

(1) Conditional Use Permit Request/Berryhill

The Berryhill Corporation has applied for a conditional use permit which will allow construction of 700 units in an architecturally integrated subdivision on a 90-acre parcel located on the west side of Smith Level Road between Morgan Creek and B.P.W. Club Road. The parcel is identified as Tax Map 122, Block A, Lots 2 and 2A and is zoned Residential-S.I.R. (Suitable for Intensive Residential).

The administration requested that a public hearing be scheduled for January 8, 1985.

(2) Conditional Use Permit/Russell Square

Jim Groce has applied for a conditional use permit which will allow construction of four apartments and renovation of an existing structure for two apartments on a 0.43-acre parcel located on the east side of North Greensboro Street between Willard Street and Pleasant Drive (504 North Greensboro Street). The parcel is identified as Tax Map 93, Block A, Lot 1 and is zoned Business-1.

The administration requested that a public hearing be scheduled for January 8, 1985.

(3) Conditional Use Permit/Cobblestone Subdivision

Covenant Properties has applied for a conditional use permit which will allow a subdivision of 60 lots on a 38.5-acre parcel located on the north side of Hillsborough Road, immediately west of the James Street and Hillsborough Road intersection. It is zoned a combination of Rural Residential and Residential-20, and is identified as Tax Map 108, Lots 8 and 8A.

The administration requested that a public hearing be set for January 8, 1985.

(4) Community Development Block Grant for Economic Development

The administration requested that two public hearings be set as part of the Community Development Block Grant application process. The first hearing was requested to be set for January 8, 1985 to obtain citizen input for possible economic development projects. The second hearing was requested to be set for January 22, 1985 to present the economic development block grant application package for citizen comment and board approval.

(5) Voluntary Annexation Request/Clark Property/Hillsborough

Nello Clark, Melvin Clark and Thelma Clark Olive have requested the voluntary annexation of their property located on Hillsborugh Road, contingent on the approval of the Cobblestone Subdivision by the Town of Carrboro.

The administration requested that a public hearing be scheduled for January 8, 1985.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE CLARK PROPERTY UPON THE REQUEST OF THE PROPERTY OWNERS

WHEREAS, the Town of Carrboro has received a petition from Nello Clark, Melvin Clark and Thelma Clark Olive requesting that their property located off of Hillsborough Road 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 January 8, 1985 to consider the voluntary annexation of the Clark's property.

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 11th day of December, 1984:

Ayes: Anderson, Boone, Caldwell, Norwood

Noes: None

Absent or Excused: White, Garrett

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ZONA NORWOOD THAT THE REQUESTED PUBLIC HEARINGS BE SET. VOTE: AFFIRMATIVE ALL

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SECOND READING/ORDINANCE AMENDING CHAPTER 13 OF TOWN CODE REQUIRING GRAVE LINERS OR VAULTS FOR ALL BURIALS

The Board of Aldermen at its meeting on November 27, 1984 adopted on first reading an ordinance amending Chapter 13 of the Town Code requiring grave liners or vaults for all burials.

This ordinance was before the Board of Aldermen tonight for its second reading due to the fact that it did not receive an affirmative vote of two-thirds of the Board membership on first reading.

MOTION WAS MADE BY DOUG ANDERSON AND SECONED BY ZONA NORWOOD THAT THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 13 OF THE TOWN CODE (CEMETERIES) TO REQUIRE CONCRETE GRAVE LINERS OR VAULTS FOR ALL BURIALS AND TO AUTHORIZE THE USE OF CEMETERY SPACES FOR CREMATED REMAINS" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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## CONDITIONAL USE PERMIT MODIFICATION/CARR MILL

Dr. J.W. and Patricia Ann French have applied for modification to a conditional use permit granted July 24, 1984 to allow construction of a 33,600 square foot freestanding office and retail building. The proposed modification includes 1,200 square feet of additional floor area on both the Weaver Street and North Greensboro Street sides of the building. The property is identified as Tax Map 93, Block A, Lot 14 and is zoned Business-1.

Greg Shepard, Zoning Administrator, explained the proposed modification. Mr. Shepard stated that the administration was recommending approval of the modification.

George Horwitz, with the Orient Express Restaurant, spoke in opposition to the modification due to the lack of parking situation.

Dougald McMillan, with Spaggs Restaurant, spoke in opposition to the modification due to the lack of parking spaces.

Jacques Menache, Director of the ArtSchool, spoke against the modification because of the parking situation.

Hal Comb, partner of Spaggs Restaurant, spoke against the modification because of the lack of parking.

Dr. J.W. French, the developer, spoke in favor of the modification.

Ginger Blakely, a Carr Mill merchant, expressed her concern about the parking situation.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MODIFICATION BE APPROVED AS REQUESTED. VOTE: AFFIRMATIVE THREE, NEGATIVE ONE (ANDERSON)

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# ERANCHISE REQUEST FROM VILLAGE CABLE TO EXTEND SERVICE TO CARR MILL

Village Cable has requested the town's permission to extend its cable service to the N.C. Memorial Hospital offices within Carr Mill to provide the same teleconferencing service to those offices that it now provides the hospital.

The administration recommended adoption of a limited franchise to connect Carr Mill to Village Cable's system.

Mike Brough explained Village Cable's request.

Mary Yow, representing Village Cable, explained the teleconferencing program.

Jacques Menache, representing the ArtSchool, spoke in favor of the proposal.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE GRANTING

A LIMITED FRANCHISE TO VILLAGE CABLE, INC. TO CONNECT CARR MILL TO ITS CABLE TELEVISION SYSTEM" BE ADOPTED ON FIRST READING. VOTE: AFFIRMATIVE ALL

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#### SPRINKLER SYSTEMS IN MULTI-FAMILY COMPLEXES

The Carrboro Fire Department has for some time advocated the need for sprinkler systems in multi-family residential complexes and higher standards for commercial property.

The administration recommended that a Fire Prevention Committee be established consisting of a realtor, a builder of multi-family complexes, a manager of a multi-family complex, an architect or engineer, an instance agent, a businessman, and two citizens living in multi-family complexes, with staff support from the Fire Chief, Fire Inspectr, Building Inspector and Town Attorney. The charge of this committee would be: (1) To review current sprinkler system requirements for multi-family residential buildings and commercial buildings; (2) To determine the advisability to change these requirements; and (3) To make a recommendation to the Board of Aldermen by the March 6, 1985 worksession.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE TOWN CLERK BE DIRECTED TO ADVERTISE THESE POSITIONS. VOTE: AFFIRMATIVE ALL

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#### APPOINTMENT TO APPEARANCE COMMISSION

There presently exists two vacancies on the Appearance Commission. One of these terms expires in February, 1985 and the other term expires in February, 1987. The Town Clerk has received a letter a Mrs. Nellie D. Lappi of 203 Lynn Drve requesting appointment to this commission.

The administration requested that if the Board did appoint Mrs. Lappi that she be appointed to a specific term.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT MRS. NELLIE LAPPI BE APPOINTED TO THE FEBRUARY, 1987 TERM ON THE APPEARANCE COMMISSION. VOTE: AFFIRMATIVE ALL

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#### APPOINTMENT TO TRANSPORTATION ADVISORY BOARD

Frances Shetley, Chairperson of the Transportation Advisory Board, has requested that Mr. Andy Hager be removed from the Transportation Advisory Board due to absences. Chapter 3, Article 5, Section 3-24(b) of the Town Code stipulates that "Regular members (of the TAB) may be removed by the Board (of Aldermen) for failure to attend three consecutive meetings without excuse or for failure to attend thirty percent or more of the meetings within any twelve-month period."

Two other town citizens have expressed an interest in becoming a member of the Transportation Advisory Board.

The administration recommended that the Board of Aldermen remove Mr. Hager from the Transportation Advisory Board and that a new member be appointed to serve in his position.

Frances Shetley stated that Mr. Hager had not attended any meeting of the TAB since April, 1984 and recommended that Doug Wait be appointed to represent Barrington Hills. Ms. Shetley also recommended that Celia Pistolis and Barbara McMullen be reappointed to the TAB.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY ZONA NORWOOD THAT ANDY HAGER BE REMOVED FROM THE TRANSPORTATION ADVISORY BOARD. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ZONA NORWOOD THAT DOUGLAS WAIT BE APPOINTED TO ANDY HAGER'S TERM ON THE TRANSPORTATION ADVISORY BOARD AND THAT CELIA PISTOLIS AND BARBARA MCMULLEN BE REAPPOINTED TO THE TAB. VOTE: AFFIRMATIVE ALL

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#### NORINA/JADE PALACE CDBG LOAN AGREEMENT

On February 28, 1984, the Board of Aldermen approved an amendment to the Norina/Jade Palace CDBG project. A loan agreement and supporting documents were approved as part of the amendment. On November 19, 1984, the State approved the amendment with a condition that the loan agreement be revised.

The administration requested that the Board set a special meeting for December 19, 1984 due to the fact that all the documents necessary for the Board's approval were not available.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT A SPECIAL MEETING BE SET FOR DECEMBER 19, 1984 AT 7:30 P.M. TO CONSIDER THIS MATTER. VOTE: AFFIRMATIVE ALL

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### POLICE OFFICERS TO AS AGENTS OF BUSINESS OWNERS

For some time, property owners and business owners on the eastern side of the town's business area have sought the town's assistance in dealing with the problem of trespassers on their properties during non-business hours.

The Town Attorney has prepared an authorization, which has been designed to have the party in possession of property authorize the town police officers to act as his or her agents for purposes of requesting persons to leave the premises during non-business hours. This form and the intent behind it was explained to a meeting of property and business owners from the area most affected, and generally received a favorable response.

The administration recommended that the Board authorize the police department to undertake the program of acting as agents for property and business owners as specified in the authorization form.

Mike Brough explained the proposed authorization form.

Chief Herje spoke in favor of the program and urged the Board's approval.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE POLICE DEPARTMENT BE AUTHORIZED TO UNDERTAKE THE PROGRAM OF ACTING AS AGENTS FOR PROPERTY AND BUSINESS OWNERS AS SPECIFIED IN THE AUTHORIZATION FORM. VOTE: AFFIRMATIVE ALL

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#### BIDS FOR PETROLEUM PRODUCTS

The current contract for gasoline and diesel fuel expired on November 30, 1984. Bids were solicited from six suppliers. The low bid (\$.9695 for premium lead-free gasoline and \$.9249 for diesel fuel) was submitted by FCX, Inc. of Carrboro.

The administration requested the Town Manager be authorized to enter into a contract with FCX, Inc. to supply gasoline

and diesel fuel for the period beginning December 1, 1984 and ending November 30, 1985.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE BID FOR PETROLEUM PRODUCTS BE AWARDED TO FCX, INC. VOTE: AFFIRMATIVE ALL

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#### **EXECUTIVE SESSION**

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS A SMALL CLAIM AGAINST THE TOWN. VOTE: AFFIRMATIVE ALL

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# GORDON FISHER SETTLEMENT

It was the consensus of the Board to refund to Mr. Gordon Fisher \$300.00 for unused sewer taps in the Hunter Place subdivision.

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There being no further business, the meeting was adjourned.

Town Clerk