

A regular meeting of the Carrboro Board of Aldermen was held on July 23, 1985 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Jim White
	John Boone
	Hilliard Caldwell
	Doug Anderson
	Joyce Garrett
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 JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE MINUTES OF JULY 9, 1985 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGES ISSUED TO NEW BOARD APPOINTEES

The Town Clerk issued charges to Bob Coneys and Bonnie Friedman, new appointees to the Parks & Recreation Commission; and Wallace Womble, a new appointee to the Cemetery Commission.

PROCLAMATIONS ISSUED

Mayor Porto proclaimed August 25, 1985 as Barbee Day in Carrboro in honor of Willis and Alfred Barbee, Sr. In addition, Mayor Porto urged the citizens of Carrboro, on the 40th anniversary of the bombing of Hiroshima and Nagasaki, to pause in remembrance of this somber occasion.

OCCUPANCY REQUEST/RUSSELL SQUARE

Jim Sarton, representing the developer of Russell Square, requested authorization to occupy this development located at 504 North Greensboro Street. Mr. Sarton stated that he was submitting security to cover incomplete landscaping improvements.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT OCCUPANCY BE AUTHORIZING SUBJECT TO THE CONDITION THAT SECURITY BE POSTED IN AN AMOUNT SUFFICIENT TO COVER INCOMPLETE LANDSCAPING IMPROVEMENTS. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/ PHASE VI, WEATHERHILL TOWNHOUSES

A petition has been submitted by the Weatherhill Limited Partnership requesting the annexation of the Weatherhill Townhouses, Phase VI. This phase contains 1.346 acres and 9 townhouse units. The administration requested that a public hearing be scheduled for September 3, 1985.

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

A RESOLUTION SETTING A PUBLIC HEARING TO
 CONSIDER THE ANNEXATION OF
 PHASE VI OF THE WEATHERHILL TOWNHOUSES
 UPON THE REQUEST OF THE PROPERTY OWNERS
 Resolution No. 4/85-86

WHEREAS, the Town of Carrboro has received a petition from the owners of Phase VI of the Weatherhill Townhouses

requesting that their property 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 September 3, 1985 to consider the voluntary annexation of Phase VI of the Weatherhill Townhouses.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News-paper 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 July, 1985:

Ayes: John Boone, Doug Anderson, Jim White, Zona Norwood, Hilliard Caldwell, Joyce Garrett

Noes: None

Absent or Excused: None

REQUEST FOR COMMUNITY DEVELOPMENT COORDINATOR'S POSITION.

Due to the increasing housing and community development activities undertaken by the town, a full-time effort is now required to properly monitor ongoing CDBG projects and to successfully secure funding in the future. Therefore, the administration requests authority to fill a community Development Coordinator's position funded on a full-time temporary basis for approximately 18 months with \$32,938 in community development block grant funds already budgeted and approved for program administration by the Department of Natural Resources and Community Development.

The Board of Aldermen at its worksession held on July 9, 1985 recommended approval of this matter and requested that it be placed on tonight's consent agenda.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE ADMINISTRATION BE AUTHORIZED TO FILL THE COMMUNITY DEVELOPMENT COORDINATOR'S POSITION. VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/MOSSWOOD

Greensboro Street Associates has requested that this public hearing be continued to a later date in order to provide more time for reconsideration and modification to the proposed development plan on a 29.8-acre site located on the north side of North Greensboro Street between Bolin Forest Drive and Morningside Drive. The parcel is identified as Tax Map 30, Lots 2 and 2C and is zoned Residential-S.I.R.-2. (Suitable for Intensive Residential) (This matter was continued to tonight's meeting from the May 28, 1985 meeting of the Board of Aldermen.)

The administration requested that this public hearing be closed and that a request to set a new public hearing be placed on the Board's agenda at such time that the developer provides the town with revised development plans.

MOTION WAS MADE BY ZONA NORWOOD AND SECONDED BY JOHN BOONE THAT THIS PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/AMENDMENT TO TOWN CHARTER TO ALLOW MAYOR TO VOTE ON ALL ISSUES

On April 24, 1984, the Board of Aldermen, after holding a public hearing on the issue, voted to place the question of whether the Town Charter should be amended to allow the Mayor to vote on all issues on the ballot for the November 5, 1985 election. The Board of Aldermen at its meeting of July 9, 1985 scheduled a public hearing for tonight in order to receive public comments on the proposed amendment.

Judith Wegner urged the Board to have this matter placed on the ballot for the November election.

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

Mike Brough pointed that the N.C. General Statutes require that any ordinance amending the Town Charter be considered for adoption at the meeting following the public hearing, therefore this item will be placed on the September 3rd agenda.

PUBLIC HEARING/DOWNTOWN AND COMMERCIAL REZONING

Jerry Davenport, the town's planner, stated that this was a public hearing to receive public comments on the Downtown and Commercial Rezoning Plan and decide what, if any, action to take on the plan. The plan consists of policies, text amendments and rezonings.

Mr. Davenport also pointed out the changes made in the plan since the last public hearing. (See Town Clerk's file of this meeting for a copy of the current plan.)

Diana Woolley, Chair of the Planning Board, stated that the Planning Board had unanimously recommended adoption of the current downtown and commercial rezoning plan.

Jim Rishel, part-owner of property in Area DD, asked if he could construct a small manufacturing business on his property under the new zoning.

Eleanor Kinnaird, residing at 207 W. Poplar, expressed concern for the protection of existing residential neighborhoods.

Gene Strowd, owner of property behind Hunt Electric, spoke against the rezoning of his property.

George Tate spoke against the rezoning of his property in Area BB and asked that it remain zoned M-1. Mr. Tate also stated that he owned property in Area Q, which he has preliminary plans to develop and asked that this property not be rezoned.

Bob Epting, representing property owners in Area CC, spoke against the proposed rezoning of this property.

Ray Butler requested that his property in Area Y remain as currently zoned.

Brett Sutton read a letter from Julie Andresen, owner of property on Maple Avenue, commending the town staff for the recent revisions in the ordinance which require design standards for buildings over thirty feet. Ms. Andresen's letter further stated that these changes do not go far enough to protect the fragile residential communities that exist adjacent to business zones.

Judith Wegner requested that more buffer be provided on Weaver Street and asked that the Board look at historic preservation.

Dr. J.W. French stated that if the current plan is adopted, the Farmer's Market lot will suffer more than any other property under the proposed rezoning proposal. Dr. French requested that the Board reconsider the building height limitations and the design criteria for the B-1(g) and B-1(c) zoning districts.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT AREAS A, B, C, D, E, F, G, H, I, J, K, L, M, O, P, R, S, T, U, V, W, X, Z, AA, EE AND GG BE REZONED, CONTINGENT ON ADOPTION OF THE TEXT CHANGES CONTAINED IN THE DOWNTOWN AND COMMERCIAL REZONING PLAN. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT AREA S BE TENTATIVELY REZONED. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JIM WHITE THAT AREA GG BE TENTATIVELY REZONED. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT AREAS Y, BB, CC, FF, AND DD BE REMOVED FROM CONSIDERATION AT THIS TIME. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (WHITE)

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ZONA NORWOOD THAT THIS PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ZONA NORWOOD THAT AREAS N, Q, Y, CC, FF, AND DD BE REFERRED BACK TO THE ADMINISTRATION TO COME UP WITH ALTERNATIVE PROPOSALS IN LIEU OF THE BOARD'S CONCERNS FOR THESE AREAS. IN ADDITION, THE BOARD REQUESTED THAT THE ADMINISTRATION LOOK AT DESIGN CRITERIA FOR THE B-1(G) AND B-1(C) ZONING DISTRICTS. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (ANDERSON)

MOTION WAS MADE BY JOYCE GARRETT THAT THE ENTIRE PLAN BE REFERRED BACK TO THE ADMINISTRATION. MOTION DIED FOR THE LACK OF A SECOND.

REQUEST TO REVISE PHASING PLAN AND OCCUPANCY REQUEST/ABC STORE

Greg Shepard, Zoning Administrator, stated that the Orange County ABC Board has requested revision of the phasing plan for the Plantation Plaza shopping center which would allow the creation of a separate phase for the ABC Store. The ABC Store was approved as part of Phase I of Plantation Plaza. The ABC Store will be designated Phase IA. They have also requested authorization to occupy the ABC Store prior to completion of the landscape requirements and installation of the exterior lighting.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE PHASING PLAN BE APPROVED AND OCCUPANCY BE AUTHORIZED SO LONG AS ALL OTHER REQUIREMENTS OF THE LAND USE ORDINANCE ARE COMPLETED AS APPROVED AND WITH THE CONDITION THAT THE DRIVEWAY ENTRANCE OFF OF HIGHWAY 54 BYPASS WHICH PROVIDES ACCESS TO THE ABC STORE IS COMPLETED PRIOR TO OCCUPANCY AND THAT THE ABC STORE CLOSE NO LATER THAN 8:00 P.M. UNTIL SUCH TIME AS ALL REQUIRED OUTSIDE LIGHTING IS INSTALLED. VOTE: AFFIRMATIVE ALL

FINAL PLAT APPROVAL REQUEST/DICKIE ANDREWS SUBDIVISION

Greg Shepard, Zoning Administrator, stated that Dickie Andrews has applied for final plat approval for the Dickie

Andrews Subdivision approved by the Board of Aldermen on June 25, 1985. The subdivision is located on the east side of Old Pittsboro Road and contains 43,100 square feet. The property is zoned Residential-7.5 and is identified as Tax Map 99, Block A, Lot 38.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY DOUG ANDERSON THAT FINAL PLAT APPROVAL BE GRANTED. VOTE: AFFIRMATIVE ALL

REQUEST TO REVISE PHASING PLAN, FINAL PLAT APPROVAL AND OCCUPANCY REQUEST/WEATHERHILL TOWNHOUSES, PHASE VI-A

Greg Shepard, Zoning Administrator, stated that Wells Management Group, Inc. has requested revision of the phasing plan for the Weatherhill Townhouses development. The revised plan will divide the currently approved Phase VI into two separate phases--Phase VIA and Phase VIB. The developers have also applied for final plat approval for Phase VIA and authority to occupy 6 townhouse units.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY DOUG ANDERSON THAT THE REVISED PHASING PLAN BE APPROVED, THAT FINAL PLAT APPROVAL BE GRANTED WITH THE CONDITION THAT THE PETITION FOR VOLUNTARY ANNEXATION OF THIS PROPERTY INCLUDE THE SIGNATURES OF ALL NEW PROPERTY OWNERS PRIOR TO ANNEXATION (PROPOSED FOR SEPTEMBER 3, 1985), AND THAT OCCUPANCY BE AUTHORIZED PRIOR TO COMPLETION OF THE LANDSCAPING AND PAVING REQUIREMENTS. VOTE: AFFIRMATIVE ALL

PLANNING WORK PROGRAM AGREEMENT

Roy Williford, Planning Director, stated that to be reimbursed for any work performed by Carrboro with regard to the town's portion of the Durham-Chapel Hill-Carrboro Planning Work Program, Carrboro must enter into an agreement with the City of Durham. Mr. Williford recommended that the Board of Aldermen authorize the administration to enter into this agreement.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE ADMINISTRATION BE AUTHORIZED TO ENTER INTO THIS AGREEMENT CONDITIONED UPON THE TOWN ATTORNEY'S APPROVAL OF THE AGREEMENT. VOTE: AFFIRMATIVE ALL

AMENDMENT TO UMTA GRANT

The Town of Carrboro has received an Urban Mass Transportation Grant totalling \$63,820 for transit planning and various bus shelter improvements. A portion of the bus shelter improvements, approved as part of this grant, have been scheduled to be undertaken as part of the North Greensboro Street Improvement program. These funds must now be reprogrammed. The administration recommends that these funds be reprogrammed to purchase a micro-computer system to perform transportation analyses and to provide a bus shelter along Main Street.

Mr. Morgan requested that this matter be removed from tonight's agenda.

AMENDMENT TO TOWN CODE/PARKING ALONG EAST WEAVER STREET

The administration recommended amending the Town Code to create two delivery areas along East Weaver Street and to restrict the remaining vehicle parking to one hour between the hours of 7:00 a.m. ad 5:30 p.m. This action is recommended as a result of requests by local business owners.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF

THE CARRBORO TOWN CODE TO PROVIDE FOR ONE HOUR PARKING ZONES AND LOADING ZONES ON WEAVER STREET" BE ADOPTED. VOTE: AFFIRMATIVE ALL

FAIR LABOR STANDARDS ACT REQUIREMENTS

Don Casper, Assistant Town Manager, stated that FLSA provisions retroactive to April 15, 1985 now apply to the town. The provisions of this act include a minimum wage, time and a half (1 1/2) for all hours worked over 40 and records adequate to accurately record hours worked and wages paid. Mr. Casper stated that the the administration was recommending that the Town Code and Pay Plan be amended in order to implement the provisions of the FLSA. Mr. Casper stated that the administration was also recommending the town make available to all employees a memorandum explaining the town's position on the Fair Labor Standards Act.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER FOUR OF THE TOWN CODE DEALING WITH WORK SCHEDULES, WORK PERIODS AND OVERTIME" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION AMENDING THE 1985-86 PAY PLAY
Resolution No. 5/85-86

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. Section A-1 (Nature and Purpose of Pay Plan) of the 1985-86 Pay Plan is amended by adding a subsection (c) to read as follows:

- C. Salaries shown are annual salaries and are intended as regular compensation for all hours of work performed during the assigned work period.

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 23rd day of July, 1985:

Ayes: John Boone, Jim White, Zona Norwood, Joyce Garrett, Hilliard Caldwell, Doug Anderson

Noes: None

Absent or Excused: None

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE ADMINISTRATION BE INSTRUCTED TO IMPLEMENT THE PROVISIONS OF THE FAIR LABOR STANDARDS ACT RETROACTIVE TO APRIL 4, 1985, THAT THE ADMINISTRATION BE AUTHORIZED TO PAY OVERTIME RETROACTIVE TO APRIL 4, 1985 IN A TOTAL AMOUNT OF \$837.00, AND THAT THE PERSONNEL OFFICER BE AUTHORIZED TO DISSEMINATE A MEMORANDUM TO ALL TOWN EMPLOYEES EXPLAINING THE TOWN'S POSITION ON THE FAIR LABOR STANDARDS ACT. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO BOARDS

As a result of the Board's request, vacancies on the Board of Adjustment (in-town seat), Planning Board (extraterritorial seat), and one of the town's seats on the OWASA Board have been advertised. The following responses were received:

Board of Adjustment--Juan Flores and Lewis Houghtaling

Planning Board--Marjory Schwartz

OWASA Board--Hank Anderson, John Thomas, Lewis Houghtaling (also interested in Board of Adjustment)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT JUAN FLORES BE APPOINTED TO THE VACANT SEAT ON THE BOARD OF ADJUSTMENT. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOYCE GARRETT AND SECONDED BY DOUG ANDERSON THAT JOHN THOMAS BE APPOINTED TO THE VACANT SEAT ON THE OWASA BOARD OF DIRECTORS. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (BOONE, CALDWELL)

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

A RESOLUTION REQUESTING ONE OR MORE APPOINTMENTS TO THE EXTRATERRITORIAL SEATS ON THE CARRBORO PLANNING BOARD

Resolution No. 6/85-86

WHEREAS, as a result of a vacancy or the expiration of a term, it is necessary to appoint one or more persons to seats reserved on the Carrboro Planning Board for persons residing within the town's extraterritorial planning jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial members to the town's Planning Board;

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint Marjory Schwartz to fill the extraterritorial seat on the Carrboro Planning Board whose term extends from January, 1985 to January, 1990. This request is made at this time because the seat is presently vacant. The requested appointee presently resides at 103 Calumet Court, Carrboro, N.C. 27510 (The town has made a good faith effort to locate qualified residents of the extraterritorial area but, in the absence of such residents, the town is requesting the appointment of Ms. Schwartz, who is a town resident.)

Section 2. If the Orange County Board of Commissioners fails to appoint a person willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 July, 1985:

Ayes: John Boone, Hilliard Caldwell, Jim White, Doug Anderson, Joyce Garrett, Zona Norwood

Noes: None

Absent or Excused: None

EXECUTIVE SESSION

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Sarah C. Williams
Town Clerk

J. Post

Mayor