

A regular meeting of the Carrboro Board of Aldermen was held on November 12, 1985 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Joyce Garrett
	Doug Anderson
	Hilliard Caldwell
	John Boone
	Zona Norwood
Town Manager	Robert W. Morgan
Deputy Town Clerk	Ellen Hughes
Town Attorney	Michael B. Brough

Absent:

Town Clerk	Sarah C. Williamson
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APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF OCTOBER 22, 1985 AND OCTOBER 30, 1985 BE APPROVED. VOTE: AFFIRMATIVE ALL

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REALIGNMENT OF NC 54 BYPASS AT MAIN STREET

Jim Dunlop, the town's transportation planner, updated the Board on the recent realignment of the intersection of N.C. 54 Bypass and Main Street.

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REQUESTS TO SET PUBLIC HEARINGS

(1) Land Use Ordinance Amendment/Miscellaneous Amendments

The administration requested that the Board of Aldermen set a public hearing for November 26, 1985 to consider numerous miscellaneous amendments to the Land Use Ordinance, which recognize existing policy, codify standard permit conditions, clarify ambiguities in the law, and make editorial changes.

(2) Land Use Ordinance Amendment/Temporary Parking Lots and Garages

The administration requested that the Board of Aldermen set a public hearing for November 26, 1985 to consider an amendment to the Land Use Ordinance to distinguish temporary parking lots from permanent parking lots and to provide that temporary lots be exempt from the paving requirements for permanent lots.

(3) Land Use Ordinance Amendment/Private Roads

The administration requested that the Board of Aldermen set a public hearing for November 26, 1985 to address whether to amend the Land Use Ordinance to allow some architecturally integrated subdivisions with more than fifteen units to build with private roads that do not meet public road standards.

(4) Land Use Ordinance Amendment/Recreation Standards

The administration requested that the Board of Aldermen set a public hearing for December 10, 1985 to receive public comment on proposed amendments to the Land Use Ordinance, which would alter the manner in which active recreation area requirements are determined.

(5) Conditional Use Permit Request/The Villages, Phase 5

CHR Associates, representing BT Venture Corporation, has applied for a conditional use permit which would allow

construction of 76 apartments on a 5.312-acre parcel located north of and adjacent to the existing Villages of Chapel Hill apartments. The parcel is identified as Tax Map 122, Block A, Lot 5A and is zoned Residential S.I.R. (Suitable for Intensive Residential).

The administration requested that a public hearing be scheduled for November 26, 1985.

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

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APPOINTMENT TO PLANNING BOARD

The Board of Aldermen at its worksession on October 22, 1985 recommended that Ms. Marjory Schwartz be appointed to fill the term vacated by Robert Edwards on the Planning Board.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT MARJORY SCHWARTZ BE APPOINTED TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

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CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT/VILLAGE BANK

The Board of Aldermen at its meeting on October 14, 1985 continued the public hearing on a request from Nick Watts for a conditional use permit to allow a branch of Village Bank to be located at 503 West Main Street.

Greg Shepard, Zoning Administrator, reviewed the site plan for this development. Mr. Shepard stated that the administration still could not recommend approval of the project because the application did not comply with Sections 15-291 and 15-298 of the Carrboro Land Use Ordinance. Mr. Shepard stated that the administration could recommend approval of the application once the applicant provided a formal indication that the required parking will be provided. Mr. Shepard stated that the administration would recommend the following conditions when the application is complete:

1) The two drive-in windows shall be permitted with the provision that at such time the N.C. D.O.T. or the town widens West Main Street to five lanes that 10 feet of right-of-way shall be dedicated to the Town of Carrboro along the property's frontage along West Main Street and that a plat shall be prepared and recorded indicating the 10 feet of additional right-of-way which will provide half of an ultimate 70 feet of right-of-way. At such time of widening, the outermost drive-in lane and window shall be eliminated and the overhead canopy shall be modified so as no part is in the right-of-way.

2) The existing easternmost driveway connection on West Main Street shall be reduced to 15 feet in width as indicated on the staff recommendation drawing dated 11/7/85 and permitted as an exit only. The driveway shall initially allow both left and right turns; however, it shall be restricted to right turn only at such time as the average traffic on Main Street shall reach 80% of its Level D capacity. This represents 11,600 vehicles per day. The 1984 average daily traffic is 10,728. The staff shall be responsible for determination regarding capacity with confirmation from N.C. D.O.T.

3) The owner shall be responsible for making all improvements indicated on the staff recommendation drawing dated 11/7/85.

4) The owner shall provide a fire hydrant at the corner of Fidelity Street and West Main Street.

Jim Dunlop, the town's transportation planner, stated that the Transportation Advisory Board was recommending approval of the permit with all four staff recommendations included, with an addition to recommendation #2 indicating that the traffic counts that determine the need to restrict the exit as a right turn only shall be determined by N.C.D.O.T.

Steve Chandler, representing the Planning Board, was sworn in. Mr. Chandler stated that the Planning Board was recommending approval of the permit with the following condition: The developer shall repaint the parking stall lines in the entire lot, with the provision that the two parking lanes back-to-back with the centerline approximately 115 feet from the northern edge of Fidelity Street be realigned so that the stalls are oriented along a general east-west line, rather than the present north-south alignment. Striping of the entire lot should include provision for handicapped spaces, appropriately marked, to meet minimum requirements. The developer shall also make minor design changes to the proposed islands, install a new island at the West Main Street entrance, install entrance and exit signs, paint directional arrows on the parking lot, all as indicated on the staff recommendation drawing. Mr. Chandler stated that the Planning Board recommended that staff recommendations #1 and #4 be excluded.

Kathy Buck, Chair of the Appearance Commission, was sworn in. Ms. Buck stated that the Appearance Commission was recommending approval of the permit with the following conditions:

1) The concrete divider between the drive-thru lanes be used for a planting bed.

2) A clear delineation be made between the sidewalk and the Watts' property along the entire border with West Main Street. This can be accomplished with railroad ties, concrete or asphalt curb or other appropriate material.

3) All colors used for exterior stucco and roofing should be "earth-tone."

4) All trees on the entire site should be protected and retained.

Tommy Watts stated that they would like to put in planters instead of concrete between the drive-thru lanes, they cannot give the town the 10 feet of additional right-of-way, they cannot close off the area in the lower right corner of the site plans, and they think the requirement to install a fire hydrant is a judgment call.

Mike Brough stated that in order for the administration to be able to recommend approval of the project, Mr. Watts would have to submit documentation to the town stating that 16 parking spaces have been made available for the use of the bank on a basis that is coextensive with the lease to the bank by Mr. Watts.

Chief Swiger stated that he was recommending the additional fire hydrant be installed at the corner of Fidelity and West Main Street to prevent blocking of Main Street if the hydrant at the corner of Ashe and Main Street had to be used in the area of Mr. Watt's property.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (ANDERSON)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (ANDERSON)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL 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 HELD INVAID OR VOID, THEN THIS PERMIT SHALL BE VOID AND OF NO EFFECT.

3) THE OWNER SHALL BE RESPONSIBLE FOR MAKING ALL IMPROVEMENTS INDICATED ON THE STAFF RECOMMENDATION DRAWING DATED 11/7/85.

4) THE CONCRETE DIVIDER BETWEEN THE DRIVE-THRU LANES SHALL BE USED FOR A PLANTING BED.

5) A CLEAR DELINEATION SHALL BE MADE BETWEEN THE SIDEWALK AND THE WATTS' PROPERTY ALONG THE ENTIRE BORDER WITH WEST MAIN STREET. THIS CAN BE ACCOMPLISHED WITH RAILROAD TIES, CONCRETE CURB OR OTHER APPROPRIATE MATERIAL.

6) ALL COLORS USED FOR EXTERIOR STUCCO AND ROOFING SHALL BE "EARTH-TONE."

7) ALL TREES ON THE ENTIRE SITE SHALL BE PROTECTED AND RETAINED.

8) THAT DOCUMENTATION BE SUBMITTED TO THE TOWN ATTORNEY PRIOR TO OCCUPANCY OF THE BUILDING THAT 16 PARKING SPACES HAVE BEEN MADE AVAILABLE FOR THE USE OF THE BANK ON A BASIS THAT IS COEXTENSIVE WITH THE LEASE TO THE BANK BY THE APPLICANT.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE EXISTING EASTERNMOST DRIVEWAY CONNECTION ON WEST MAIN STREET SHALL REMAIN 32 FEET IN WIDTH AND SHALL BE PERMITTED AS AN EXIT ONLY. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (JIM PORTO, JOYCE GARRETT, DOUG ANDERSON)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE EXISTING EASTERNMOST DRIVEWAY CONNECTION ON WEST MAIN STREET SHALL BE REDUCED TO 24 FEET IN WIDTH AND SHALL BE PERMITTED AS AN EXIT ONLY. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/RECEIVE-ONLY EARTH STATIONS

Jerry Davenport, the town's planner, stated that this matter was before the Board of Aldermen for a public hearing to determine whether to amend the Land Use Ordinance to allow earth stations (satellite dishes) as accessory uses provided that the dish has a diameter of less than 14 feet, are screened from the road and not in the front yard, and are put on the roof or screened from adjacent uses to the extent that the screening would not interfere with reception.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board was recommending adoption of the proposed ordinance.

Kathy Buck spoke against allowing satellite dishes in front yards.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD 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 ZONA NORWOOD THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE AND PROVIDING FOR RECEIVE-ONLY EARTH STATIONS AS AN ACCESSORY USE" BE ADOPTED WITH THE DELETION OF THE FOLLOWING LANGUAGE IN SECTION 1 c. "THE REAR OF THE FRONT BUILDING FACADE". VOTE: AFFIRMATIVE ALL

Alderman Caldwell requested that the record show that he had no problems with allowing satellite dishes in front yards.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE LANGUAGE "the rear of the front building facade" BE INCLUDED IN THE ORDINANCE. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (CALDWELL, ANDERSON, GARRETT)

The Board requested that this matter be placed on the next agenda.

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REQUEST FOR APPROVAL OF PERFORMANCE SECURITY/PLANTATION PLAZA

Greg Shepard, Zoning Administrator, stated that Plantation Partnership has requested approval of a performance bond which would allow the remaining units in the Plantation Plaza Shopping Center to be occupied prior to completion of all site improvements required by the conditional use permit granted on November 27, 1984.

Mr. Shepard stated that the administration was recommending approval of the request.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PERFORMANCE BOND BE ACCEPTED. VOTE: AFFIRMATIVE ALL

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POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

Chief Herje stated that at his request, a resolution had been prepared by the N.C. Attorney General's Office, which sets out a policy for mutual assistance with other law enforcement agencies. Chief Herje stated this policy is needed in order to update and broaden the existing policy for mutual assistance and will aid the Police Department in using a task force approach when major crimes occur. The policy will also give the Chief of Police authority to render assistance to other agencies in Orange County when they call for Carrboro officers to assist them.

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

A RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES  
Resolution No. 19/85-86

WHEREAS, pursuant to North Carolina General Statutes 160A-288, 160A-288.2 and 90-95.2, the governing body of a city or county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal, county, and state law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interests of the citizens of Carrboro to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Carrboro;

NOW, THEREFORE, BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

1. The Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal, county, or state law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.

2. The Chief of Police is hereby authorized to permit officers of the Carrboro Police Department to work temporarily with officers of the requesting agency, including in an undercover capacity; and, the Chief of Police may lend such equipment and supplies to requesting agencies as he deems advisable.

3. All such requests and authorizations shall be in accordance with North Carolina General Statutes 160A-288, 160A-288.2, and 90-95.2 as applicable.

4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those he normally possesses.

5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of his superior officers in the requesting agency, but he shall for personnel and administrative purposes, remain under the control of his own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of his duties.

6. The Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of November, 1985:

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

Noes: None

Absent or Excused: Jim White

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STREET CLOSING REQUEST/ANNUAL CHRISTMAS PARADE

The Chapel Hill-Carrboro Chamber of Commerce has requested permission to close a portion of Main Street on Saturday, December 7, 1985 from 10:00 a.m. until 12:00 p.m. to conduct its Annual Christmas Parade. The administration recommends adoption of the attached resolution authorizing this street closing.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING  
OF MAIN STREET FOR THE 1985 ANNUAL CHRISTMAS PARADE  
Resolution No. 20/85-86

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The following street shall be temporarily closed on Saturday, December 7, 1985 from 10:00 a.m. to 12:00 noon to accommodate the 1985 Annual Christmas Parade. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

Main Street from the West Franklin Street intersection to the Fidelity Street intersection.

Section 2. The town administration shall install appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of November, 1985:

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

Noes: None

Absent or Excused: None

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#### PARK AND RIDE LOT BID AND CONTRACT AWARD

Jim Dunlop, the town's transportation planner, stated that on October 30, 1985 three bids were received by the town for the construction of a park and ride lot to be located at the Plantation Plaza Shopping Center. The low bid was submitted by the Nello Teer Company in the amount of \$86,800.00. Mr. Dunlop stated that the administrator recommended that the bid be awarded to the Nello Teer Company and the administration be authorized to enter into a contract with the Nello Teer Company for this project.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE BID BE AWARDED TO THE NELLO TEER COMPANY FOR A TOTAL OF \$86,800.00. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the town staff to coordinate a ground-breaking ceremony with N.C.D.O.T. for this project.

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#### BID AWARD FOR OLD PITTSBORO ROAD RECONSTRUCTION

Roy Williford, Planning Director, stated that the town has received bids from contractors for the reconstruction of Old Pittsboro Road but all bids received were in excess of available funds. Mr. Williford stated that he would negotiate with the lowest bidder to bring down the bid amount.

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#### REQUEST FOR EXECUTIVE SESSION

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD GO INTO EXECUTIVE SESSION. VOTE: AFFIRMATIVE ALL

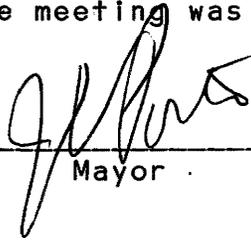
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#### BUDGET AMENDMENT

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'85-86 BUDGET ORDINANCE" TRANSFERRING \$2,000 FROM CONTINGENCY TO POLICE DEPARTMENT INVESTIGATIONS" BE ADOPTED. VOTE: AFFIRMATIVE ALL

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There being no further business, the meeting was adjourned.

  
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Mayor

  
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Deputy Town Clerk