

A regular meeting of the Carrboro Board of Aldermen was held on March 11, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Tom Gurganus
	Doug Anderson
	Hilliard Caldwell
	John Boone
	Judith Wegner
	Zona Norwood
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 MARCH 4, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT/DELETION OF EMPLOYEES' PERSONAL HOLIDAY

The Board of Aldermen at its worksession held on March 4, 1986 accepted the Town Manager's recommendation to delete the employees' personal holiday in order to observe Martin Luther King, Jr.'s Birthday.

The Town Attorney has prepared the necessary Town Code amendment for the Board's consideration.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER FOUR OF THE TOWN CODE TO DELETE FROM THE LIST OF HOLIDAYS THE EMPLOYEES' PERSONAL HOLIDAY," BE ADOPTED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ANDERSON)

PRELIMINARY DESIGN PLANS FOR STREET BOND IMPROVEMENTS PROGRAM

Dain Riley, representing Parrish & Associates, presented the design plans for the street bond improvements program to the Board of Aldermen at its worksession held on March 4, 1986.

The administration requested approval of those plans and authorization to advertise for bids.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE THE DESIGN PLANS BE APPROVED AND THAT THE ADMINISTRATION BE AUTHORIZED TO ADVERTISE FOR BIDS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ANDERSON)

CONTINUATION OF PUBLIC HEARING/JONES FERRY ROAD REZONING

This matter involves two requests:

1. Wells Management Group, Inc. has petitioned the Board to rezone a .8-acre tract of land located adjacent to their existing .5-acre B-4 tract, and lying on the south side of Jones Ferry Road between Woodbrige and proposed Woodbridge II, from R-3 to B-4; and
2. The administration requests that the .5-acre tract currently zoned B-4 be rezoned to R-3.

This public hearing was continued from the February 11, 1986 meeting of the Board of Aldermen at the request of the applicant.

Jerry Davenport, the town's planner, stated that Wells Management and the town staff were requesting that their petitions for rezoning be withdrawn. Mr. Davenport stated that the administration was proposing to investigate the possibility of developing a more limited non-CBD commercial district than the B-4 zone for this area.

Robin Dorf, representing Wells Management Group, stated that they were requesting their petition for rezoning be withdrawn.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THIS ITEM BE REMOVED FROM THIS AGENDA. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION/RAMSGATE APARTMENTS

The Board of Aldermen at its February 25, 1986 meeting requested that the issue of whether a stormwater retention facility would be required for the Ramsgate Apartments development be scheduled for consideration by this Board upon receipt of the recommendations from the town's consulting engineer.

Phil Post, the town's consulting engineer, was sworn in. Mr. Post stated that he was recommending that a dry-bottom stormwater detention system be required for Ramsgate Apartments. Mr. Post further recommended that the town incorporate a policy requirement that detention facilities be mandated in all new developments along Tom's Creek, being flexible enough so that minor projects and special circumstances can be exempted. Mr. Post stated that he would not recommend that a fence be required around the facility because it would only call attention to the facility. In addition, Mr. Post stated that the developer should submit a maintenance schedule for the facility.

Chuck Truby, engineer for the developer, stated that they would like to retain the sedimentation pond and convert it to the retention pond.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE TOWN ENGINEER'S RECOMMENDATION TO REQUIRE THE STORMWATER RETENTION POND BE ADOPTED WITH THE FOLLOWING CONDITIONS:

1) THAT TYPE "B" SCREENING BE INSTALLED AROUND THE ENTIRE PERIMETER OF THE POND;

2) THAT THE SIDE SLOPES AND BOTTOM OF THE STORMWATER DETENTION POND BE PERPETUALLY MAINTAINED WITH GRASS AND MOWED ON THE SAME SCHEDULE AS THE GRASSED AREAS FOR THE REMAINDER OF THE SITE. THE OUTLET PIPING SHALL BE INSPECTED SEMI-ANNUALLY TO ENSURE THE PROPER FUNCTIONING OF THE DETENTION FACILITY; AND

3) THAT IF THE NATURAL UNDISTURBED OPEN SPACE IS REDUCED BELOW THE MINIMUM REQUIREMENT SET FORTH IN SECTION 15-198, ADDITIONAL PLANTING WILL BE REQUIRED TO COMPLY WITH THE DEFINITION OF "WOODED AREA" SET FORTH IN SECTION 15-15(92).

VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the administration to prepare a policy which would require all new developments along Tom's Creek to provide stormwater detention facilities.

REQUEST FOR FINAL PLAT APPROVAL/CEDARWOOD LANE TOWNHOUSES,
PHASE VI-B

Wells Management Group, Inc. has requested final plat approval for Phase VI-B of the Cedarwood Lane Townhouses. This phase has three townhouse units and is the final phase for this townhouse development.

Greg Shepard, Zoning Administrator, stated that the administration was recommending approval of the final plat.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE FINAL PLAT BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FOR CONVERSION TO ARCHITECTURALLY INTEGRATED
SUBDIVISION AND FINAL PLAT APPROVAL OF PHASES I AND II/WILSON
PARK CONDOMINIUMS

Jay Land has requested permission to convert the Wilson Park Condominiums development to an architecturally integrated subdivision. He has also requested final plat approval for Phases I and II of the development.

Greg Shepard, Zoning Administrator, stated that the administration was recommending approval of the conversion to an architecturally integrated subdivision with the condition that all architectural modifications are made to Buildings C and E to comply with the townhouse requirements of the N.C. State Building Code. Mr. Shepard stated that the developer would have to seek final plat approval after all architectural modifications are completed.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT APPROVAL OF THE CONVERSION BE AUTHORIZED WITH THE CONDITION THAT ARCHITECTURAL MODIFICATIONS ARE MADE TO BUILDINGS C AND E TO COMPLY WITH THE TOWNHOUSE REQUIREMENTS OF THE N.C. STATE BUILDING CODE, AND THAT FINAL PLAT APPROVAL BE DENIED UNTIL ALL ARCHITECTURAL MODIFICATIONS ARE COMPLETED. VOTE: AFFIRMATIVE ALL

REQUEST FOR PHASING REVISION AND CONDITIONAL USE PERMIT
MODIFICATION/THE VILLAGES, PHASE V

BT Venture Corporation has applied for a phasing revision, in addition to a conditional use permit modification which would allow a change in one of the building types and a reduction in the number of dwelling units.

Greg Shepard, Zoning Administrator, stated that the administration recommended approval of the revised phasing plan and conditional use permit modification, which will allow the developer to construct three building types with a minimum of 25% each rather than the approved four building types with a minimum of 15% each.

Dana Staats, representing CHR Associates, stated that they were requesting the revised phasing because it was a more logical sequence for construction.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE REVISED PHASING PLAN BE APPROVED AND THAT THE CONDITIONAL USE PERMIT MODIFICATION TO ALLOW CONSTRUCTION OF THREE BUILDING TYPES WITH A MINIMUM OF 25% EACH BE APPROVED. VOTE: AFFIRMATIVE ALL

PAYMENT FOR PARK & RIDE LOT CONSTRUCTION

Jim Dunlop, the town's transportation planner, stated that due to a delay in receiving UMTA grant funds, the administration requested that the Finance Director be authorized to use \$14,350.30 in fund balances in order that the contractor for the Park & Ride Lot may be paid in a timely manner. These funds will be returned to the fund balances when the UMTA grant money is received, which should be within four to six weeks.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE FINANCE DIRECTOR BE AUTHORIZED TO USE \$14,350.30 IN FUND BALANCES TO PAY THE CONTRACTOR FOR THE PARK & RIDE LOT, WITH THESE FUNDS BEING RETURNED TO FUND BALANCE WHEN UMTA GRANT MONEY IS RECEIVED. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT/STOP SIGN ON TANGLEWOOD LANE

The Board of Aldermen recently accepted Tanglewood Lane into the town's street system. The Town Attorney has prepared an ordinance, which amends the Town Code to provide for a stop sign on Tanglewood Lane at its interesection with Westbrook Drive.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER SIX OF THE TOWN CODE TO AUTHORIZE A STOP SIGN AT THE INTERSECTION OF TANGLEWOOD LANE AND WESTBROOK DRIVE" BE ADOPTED. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO CABLE T.V. COMMITTEE

There currently exists two vacancies on the Cable T.V. Committee. The Town Clerk has advertised these positions and has received one response, which was from Mr. Barry Jaeger, who resides at H-3 Berkshire Manor Apartments. Mr. Jaeger has attended a meeting of the Cable T.V. Committee, and the Chair of that committee has recommended that Mr. Jaeger be appointed.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT BARRY JAEGER BE APPOINTED TO THE CABLE T.V. COMMITTEE. VOTE: AFFIRMATIVE ALL

SPECIAL LEGISLATION ON TOWING FROM PRIVATE PROPERTY

The Board has previously endorsed special legislation authorizing vehicles to be removed from private property under some circumstances, and the Town Attorney has sent this legislation to each of the members of the town's legislative delegation. Representative Barnes has informed the Attorney that the legislators introducing the bill in the "short session" must certify that it is noncontroversial in nature. The Attorney suggested that the town might wish to hold a public hearing, and if no opponents of the bill showed up at the hearing, that would be some evidence of its noncontroversial nature.

The administration recommended that the Board of Aldermen schedule a public hearing for March 25, 1986.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT A PUBLIC HEARING BE SET FOR MARCH 25, 1986. VOTE: AFFIRMATIVE ALL

RESOLUTION/PRIORITIES FOR STATE FUNDING OF TRANSPORTATION NEEDS

The Board of Aldermen at its meeting held on March 4, 1986 requested the administration to prepare a resolution listing priorities for State funding of transportation needs for the town. This resolution will be presented to the State Goals and Policy Board at a forum scheduled for March 12, 1986.

The following resolution was introduced by Alderman Doug Anderson and duly seconded by Alderman Tom Gurganus.

A RESOLUTION REQUESTING PRIORITY FOR STATE
FUNDING OF TRANSPORTATION IMPROVEMENTS
Resolution No. 37/85-86

WHEREAS, the State of North Carolina actively promotes the growth and development of the state; and

WHEREAS, both the State of North Carolina and local jurisdictions benefit from tax revenues generated by this growth and development; and

WHEREAS, local government jurisdictions anticipate major reduction or elimination of federal revenues (i.e., UMTA and General Revenue Sharing), and local governments are restricted by the State as to the means by which revenues can be generated; and

WHEREAS, these financial constraints hinder the local government's ability to keep pace with service and infrastructure demands generated by new growth and development.

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

Section 1. The State of North Carolina needs to dramatically increase expenditures for transportation in urban growth centers if it wishes to maintain and promote the quality of life in the cities and towns of North Carolina.

Section 2. The State of North Carolina needs to have a multi-faceted transportation program which provides for highways, public transit and bikeways.

Section 3. The State of North Carolina needs to provide funding for the accomplishment of the capital improvement projects listed on the attached sheet.

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 11th day of March, 1986:

Ayes: Tom Gurganus, Doug Anderson, Jim Porto, John Boone,
Zona Norwood

Noes: Judith Wegner, Hilliard Caldwell

Absent or Excused: None

(See Town Clerk's file of this meeting for a copy of the list of capital improvement projects.)

MISCELLANEOUS LAND USE ORDINANCE AMENDMENTS

The Board of Aldermen held a public hearing on March 4, 1986 to consider several miscellaneous amendments to the Land Use Ordinance. The Board deferred action on the following ordinances and requested that they be placed on tonight's agenda for consideration:

- a. Provisions relating to window signs;

- b. Prohibition of retail sales out of motor vehicles except in the Farmers' Market; and
- c. Provisions defining independent parking lots and setting out when they must be paved.

Mike Brough stated that Section 3 of the ordinance relating to window signs needed to be amended to read as follows: "Section 15-273(a)(3) and all other provisions of any town ordinance in conflict with this ordinance are repealed."

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO WINDOW SIGNS" BE ADOPTED, AS AMENDED. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (WEGNER, GURGANUS)

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT RETAIL SALES OF GOODS AND FOOD PRODUCTS FROM MOTOR VEHICLES EXCEPT IN THE FARMERS' MARKET" BE ADOPTED. (Motion withdrawn. It was the consensus of the Board to request the Town Attorney to prepare a revised ordinance which would narrow the scope of the effect of this ordinance.)

MOTION WAS MADE BY TOM GURGANUS THAT THIS ORDINANCE BE AMENDED TO BE APPLICABLE ONLY ON SATURDAYS AND WITHIN 200 FEET OF THE FARMERS' MARKET. (Motion died for the lack of a second.)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO DEFINE INDEPENDENT PARKING LOTS AND SPELL OUT THE CIRCUMSTANCES UNDER WHICH SUCH LOTS MUST BE PAVED" BE ADOPTED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GURGANUS)

MAPLE STREET HISTORIC DISTRICT NOMINATION

Mr. Morgan stated that the town had received notification that Maple Avenue, West Carr Street and parts of South Greensboro have been nominated for the National Register of Historic Places and asked the Board if it wished to have a report on this matter.

It was the consensus of the Board to request a presentation on this nomination.

COMMENDATION FOR DORIS MURRELL

It was the consensus of the Board to request that the Mayor send a letter of commendation to Doris Murrell congratulating her on her recent appointment as Chairman of the Citizen Board Division of the North Carolina Recreation and Parks Society.

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

W. P. [Signature]
Mayor