

A regular meeting of Carrboro Board of Aldermen was held on March 25, 1986 at 7:30 p.m.

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 TOM GURGANUS THAT THE MINUTES OF MARCH 18, 1986 BE APPROVED.  
VOTE: AFFIRMATIVE ALL

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REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST  
JIM HODGIN

Mr. Jim Hodgin appeared before the Board to request that he be allowed to obtain a zoning permit to remodel the buildings located at 102-A East Main Street and 102 East Main Street in lieu of his having to go through the conditional use permit process. Mr. Hodgin stated that he had been in negotiations with the properties owners to purchase the above-referenced property since January 10, 1986 and had just learned that a conditional use permit would be required to remodel the structures. Mr. Hodgin stated that he has tenant commitments for both buildings with occupancy dates of June 1, 1986 for 102-A and June 30, 1986 for 102 East Main.

Mike Brough explained that the Board would not be able to waive the conditional use permit requirements of the land use ordinance but could either amend the land use ordinance or go through an expedited conditional use permit process.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR APRIL 8, 1986; THAT THIS PROJECT BE REVIEWED BY THE ADVISORY BOARDS ON APRIL 3, 1986; THAT THE CONDITIONAL USE PERMIT REVIEW REQUIREMENTS BE SUSPENDED FOR THIS PROJECT; AND THAT THE LAND USE ORDINANCE PROVISIONS REQUIRING NOTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET OF THE PROPOSED PROJECT BE OMITTED FOR THIS PROJECT.  
VOTE: AFFIRMATIVE ALL

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FINAL PLAT APPROVAL/WILSON PARK TOWNHOUSES

Mr. George Carter appeared before the Board to request that the Board consider granting final plat approval for the Wilson Park Townhouse project.

Greg Shepard, Zoning Administrator, stated that the administration was recommending approval of the final plat with the condition that architectural modifications are made to Buildings C and E to comply with the townhouse requirements of the State Building Code.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT FINAL PLAT APPROVAL BE GRANTED, SUBJECT TO THE CONDITION THAT ALL ARCHITECTURAL MODIFICATIONS ARE MADE TO BUILDINGS C AND E TO COMPLY WITH THE TOWNHOUSE REQUIREMENTS OF THE STATE BUILDING CODE. IN ADDITION, THAT THE STAFF HOLD ISSUANCE OF THE FINAL PLAT UNTIL ALL STATE BUILDING CODE REQUIREMENTS ARE MET. VOTE: AFFIRMATIVE ALL

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VOLUNTARY ANNEXATION/SECTION III, TENNIS CLUB ESTATES

Weatherhill Limited Partnership has submitted a petition requesting the annexation of Section III of Tennis Club Estates, located off of Westbrook Drive. Section III contains 2.053 acres and 8 lots.

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt a resolution, setting a public hearing for April 8, 1986.

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

A RESOLUTION SETTING A PUBLIC HEARING TO  
CONSIDER THE ANNEXATION OF SECTION III,  
TENNIS CLUB ESTATES  
UPON THE REQUEST OF THE PROPERTY OWNERS  
Resolution No. 41/85-86

WHEREAS, the Town of Carrboro has received a petition from the owners of Section III, Tennis Club Estates 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 April 8, 1986 to consider the voluntary annexation of Section III, Tennis Club Estates.

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 25th day of March, 1986:

Ayes: Tom Gurganus, Doug Anderson, Hilliard Caldwell, Jim Porto, John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: None

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SPECIAL LEGISLATION ON TOWING FROM PRIVATE PROPERTY

Mike Brough stated that the Board of Aldermen at its meeting of March 11, 1986 set a public hearing for tonight to receive public comments on the town's proposed special legislation authorizing vehicles to be removed from private property under some circumstances.

Mr. W.C. Pendergraft, residing at 103 Prince Street, expressed concern that a property owner should be allowed to keep unused cars on his property without the town interfering.

Mr. Morgan informed the Board that Mr. Pendergraft had been

notified of a violation of Chapter 11 of the Town Code, which was unrelated to the proposed special legislation.

Chief Swiger stated that Mr. Pendergraft had been given 30 days to bring his property into compliance with a Chapter 11 violation and that the town was working with him in this matter.

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

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QUARTERLY REPORT FROM ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION

Mr. Norman Weatherly, the town's representative on the Orange County Economic Development Commission, presented a quarterly report on the activities of the Commission. Mr. Weatherly stated that the Commission had primarily been trying to decipher the impace of the proposed joint land use plan during the past quarter.

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QUARTERLY REPORT FROM OWASA

One of the town's representatives on the Orange Water & Sewer Authority Board of Directors, Mr. John Thomas and Mr. Bill Aderholt, were scheduled to present a quarterly report on the activities of OWASA, but had requested that this matter be rescheduled for April 1, 1986.

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FINAL PLAT APPROVAL REQUEST/PHASE 1 AND 2/COBBLESTONE SUBDIVISION

Greg Shepard, Zoning Administrator, stated that Allenton Realtors had requested final plat approval for Phases 1 and 2 of the Cobblestone Subdivision located on Hillsborough Road. The Board of Aldermen granted a conditional use permit for this development on January 8, 1985. Mr. Shepard stated that the administration was recommending approval of the final plat with the condition that the applicant inform each buyer, prior to closing, of the proposed schedule for completion of all incomplete site improvements. Mr. Shepard stated that the developer had submitted a performance bond to cover all incomplete improvements.

Mr. Randy Smith, representing Allenton Realtors, explained that his company will sell the lots in this development to builders to construct houses and that they are working with the Westminister Company to share in the cost of construction of the water line to this development.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE FINAL PLAT BE APPROVED WITH THE CONDITION THAT THE APPLICANT INFORM EACH BUYER, PRIOR TO CLOSING, OF THE PROPOSED SCHEDULE FOR COMPLETION OF ALL INCOMPLETE SITE IMPROVEMENTS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GURGANUS)

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REQUEST FOR EXTENSION OF CONDITIONAL USE PERMIT/WILLOW CREEK SHOPPING CENTER

Greg Shepard, Zoning Administrator, stated that M.J. Hakan had requested a 120-day extension of the conditional use permit for the Willow Creek Shopping Center, which would otherwise expire on May 17, 1986. Mr. Shepard stated that the administration was recommending approval of the extension with the condition that a final plat, showing a separate lot

for the office building, be recorded prior to issuance of a building permit.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE 120-DAY EXTENSION BE GRANTED, WITH THE CONDITION THAT A FINAL PLAT, SHOWING A SEPARATE LOT FOR THE OFFICE BUILDING, BE RECORDED PRIOR TO ISSUANCE OF A BUILDING PERMIT. VOTE: AFFIRMATIVE ALL

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REQUEST FOR WAIVER OF INITIAL PAYMENT OF INTEREST ON ADVANCED PRINCIPAL/NORINA JADE ECONOMIC DEVELOPMENT LOAN

James Harris, Community Development Coordinator, stated that on March 3, 1986, Francis Chan submitted a request for a waiver of the \$2,365.35 interest paid in accordance with the promissory note between himself, his wife, and the town. His request was based upon the following reasons:

- a. The Norina Company lost \$3,000 of earnest money in a contract on the Hearn's Grocery Store property in 1983 because Mr. Chan, upon the advice of the previous Town Manager, Richard Hunter, decided not to adhere to his contract on the Hearn property; and
- b. The time lost in acquiring a new site required a CDBG amendment, which took two years to get approved.

Mr. Harris stated that Mr. Chan had already made the interest payment, but was requesting reimbursement of that payment.

Roy Williford, Planning Director, stated that NRCD had indicated that the town could modify the loan agreement under certain conditions, and this may be one of the conditions.

Francis Chan reiterated his concern that it was his feeling that the town should reimburse him for the interest payment because he had lost \$3,000 in earnest money on the advice of Richard Hunter, which was not to purchase the Hearn property on Main Street.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT ACTION ON THIS MATTER BE DEFERRED UNTIL APRIL 8TH AND THAT THE TOWN ATTORNEY LOOK AT ALTERNATIVE ARRANGEMENTS WHICH MIGHT EASE THE BURDEN ON MR. CHAN. VOTE: AFFIRMATIVE ALL

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JOINT PLANNING AGREEMENT

Mike Brough presented a revised draft of the joint planning agreement for the Board's consideration. Mr. Brough stated that the current draft incorporated the changes requested by the Board of Aldermen at its worksession held on March 11, 1986. It provides for administration by the Town of Carrboro in its sphere of influence but leaves Orange County with control over the zoning map.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE JOINT PLANNING AGREEMENT BE APPROVED WITH THE FOLLOWING CHANGES:

- 1) THAT MEMBERSHIP ON THE JOINT PLANNING ADVISORY COMMISSION BE DECREASED TO SIX MEMBERS, WITH TWO MEMBERS COMING FROM EACH PLANNING BOARD WITH A CLAUSE PERMITTING SUBSTITUTION IN CASE PLANNING BOARD MEMBERS ARE NOT ABLE TO FILL VACANCIES;

- 2) THAT SECTION 2.6 BE AMENDED TO ALLOW EACH TOWN'S ELECTED BODY TO MAKE COMMENTS TO THE ORANGE COUNTY BOARD OF COMMISSIONERS CONCERNING ZONING MAP AMENDMENTS; AND

3) THAT A CLAUSE BE ADDED CONCERNING ANNEXATION IN THE EXTRATERRITORIAL JURISDICTION.

VOTE: AFFIRMATIVE ALL

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CHANGE IN MEETING PLACE FOR APRIL 17TH JOINT PUBLIC HEARING ON JOINT LAND USE PLAN

Pursuant to the directions of the Board of Aldermen, the town staff contacted Orange County reference holding the April 17th joint public hearing with the Orange County Board of Commissioners in southern Orange County. Orange County has agreed to hold the public hearing at the Carrboro Elementary School Auditorium.

The administration requested that the Board officially change its meeting place for this public hearing to the Carrboro Elementary School Auditorium.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE MEETING PLACE FOR THE APRIL 17TH MEETING BE CHANGED FROM THE CHAPEL HILL HIGH SCHOOL AUDITORIUM TO THE CARRBORO ELEMENTARY SCHOOL AUDITORIUM. VOTE: AFFIRMATIVE ALL

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RAILROAD CROSSING ON ESTES DRIVE

Alderman Caldwell asked what could be done to improve the safety of the railroad crossing on Estes Drive.

Mike Brough stated that Chapel Hill has the authority to request the railroad to make improvements, not the Town of Carrboro. Mr. Brough suggested that the Town of Chapel Hill could install stop signs on both sides of the crossing.

It was the consensus of the Board to request the Town Manager to contact the Chapel Hill Town Manager reference improvements to this crossing.

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REQUEST TO SET PUBLIC HEARING/SOUTHERN CONNECTOR ROADS PLAN

Mr. Morgan informed the Board that it had been discovered that the previous public hearing on the southern connector roads plan had not been properly advertised and requested that the Board set another public hearing for April 8, 1986 on this matter.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 8, 1986. VOTE: AFFIRMATIVE ALL

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There being no further business, the meeting was adjourned.

*Sarah C. Williamson*  
Town Clerk

*W. P. Parks*  
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Mayor