

A regular meeting of the Carrboro Board of Aldermen was held on June 24, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Judith Wegner
	John Boone
	Hilliard Caldwell
	Tom Gurganus
	Randy Marshall
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 RANDY MARSHALL THAT THE MINUTES OF JUNE 17, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUESTS TO SET PUBLIC HEARINGS

(1) Voluntary Annexation/Amberly Lands

Roy Williford, Planning Director, stated that six property owners have petitioned the town for annexation of their property into the Town of Carrboro. The property owners are associated with the proposed "Amberly" subdivision. Mr. Williford stated that the petitioners have requested that this annexation become effective upon the approval of a conditional use permit for the proposed "Amberly" project, which is to be located on their property.

Mr. Williford stated that the administration requested that a public hearing be set for July 8, 1986 to consider this request.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Zona Norwood.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
THE "AMBERLY SUBDIVISION"
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 61/85-86

WHEREAS, the Town of Carrboro has received petitions from the owners of the proposed "Amberly Subdivision"

1. Myron G. and Christine C. Lloyd, Tax Map 108, Lot 39E
2. Mary W. Cheek, Tax Map 108, Lots 39D and F
3. Elizabeth Cheek and Lacy B. Neville, Tax Map 108, Lot 39C
4. The M.C. Strowd Heirs, Tax Map 108, Lot 40
5. John & Rebecca Bland, Tax Map 108, Lot 39B
6. Edgar Kenneth & Hazel Lloyd, Tax Map 114, Lot 1A

requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petitions requesting the annexation of this property are 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 July 8, 1986 to consider the voluntary annexation of the "Amberly Subdivision".

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Newspaper 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 24th day of June, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, Judith Wegner, Zona Norwood, John Boone

Noes: None

Absent or Excused: None

(2) Miscellaneous Land Use Ordinance Amendments

Jerry Davenport, the town's planner, stated that this proposed ordinance incorporates a number of matters dealing with the open space provisions, cluster subdivisions in the watershed, crossing "buffers", bed and breakfast uses, and other matters.

Mr. Davenport stated that the administration requested that a public hearing be set for July 8, 1986 to receive citizen input on this proposed ordinance.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR JULY 8, 1986, AND THAT THE PLANNING BOARD AND TRANSPORTATION ADVISORY BOARD REVIEW THE PROPOSED ORDINANCE. VOTE: AFFIRMATIVE ALL

(3) Land Use Ordinance Amendment/Expansion of Non-Conforming Uses

Jerry Davenport, the town's planner, stated that the administration requested that a public hearing be set for July 8, 1986 to decide whether to allow the expansion of non-conforming uses in some circumstances.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR JULY 8, 1986, AND THAT THE PLANNING BOARD AND DOWNTOWN DEVELOPMENT COMMISSION REVIEW THE PROPOSED ORDINANCE. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, CALDWELL, GURGANUS)

(4) Land Use Ordinance Map Amendment/Highway 54 Bypass

Roy Williford, Planning Director, stated that the administration requested that a public hearing be scheduled for July 8, 1986 to determine whether to zone 144 acres of land lying north of Highway 54 West, east of Morgan Creek and west of S.R. 1107 and owned by H.D. Strowd, et al, Elizabeth C. Neville and Lacy B. Neville, and Rebecca B. Bland and John C. Bland to R-40. This zoning would be contingent on the property being annexed by the town.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR JULY 8, 1986 AND THAT THE PLANNING BOARD REVIEW THE PROPOSED ORDINANCE. VOTE:

AFFIRMATIVE ALL

PUBLIC HEARING/VOLUNTARY ANNEXATION/TENNIS CLUB ESTATES,
SECTION IV

Roy Williford, Planning Director, stated that Weatherhill Limited Partnership had submitted a petition requesting the annexation of Tennis Club Estates, Section IV located off of Westbrook Drive. Section IV contains 4.88 acres and 24 lots.

Mr. Williford stated that the administration recommended approval of the proposed annexation.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING TENNIS CLUB ESTATES, SECTION IV" BE ADOPTED. VOTE: AFFIRMATIVE ALL

PAVING OF CREST STREET

Chris Peterson, Public Works Director, stated that all of the property owners of Crest Street are in agreement that Crest Street should be paved according to the town's assessment policy. Mr. Peterson stated that the administration recommended adoption of a resolution directing that this project be undertaken.

The following resolution was introduced by Alderman John Boone and duly seconded by Zona Norwood.

A RESOLUTION DIRECTING THAT THE CREST STREET
IMPROVEMENT PROJECT BE UNDERTAKEN
Resolution No. 62/85-86

WHEREAS, the town has received a petition requesting that Crest Street from Pleasant Drive to the end be improved in the following manner: street paving - 20' width street - 8" stone base - 2" 1-11; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street; and

WHEREAS, a preliminary assessment resolution has been adopted by the Board and a public hearing duly held thereon;

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

Section 1. The manager shall proceed with the following street paving improvement project as provided by law: Paving of Crest Street from Pleasant Drive to the end (20' width street - 8" stone base - 2" 1-11).

Section 2. Sixty percent of the total cost of this improvement (not including the cost of paving at street intersections) shall be assessed against the properties that abut the Crest Street paving improvements at an equal rate per foot of frontage. However, when a project is undertaken along two sides of a corner lot, 75% of the frontage of the shorter side of such lot, up to a maximum of 125 feet, shall be exempt from assessment.

Section 3. The owners of property assessed shall, within

thirty days after publication of the notice that the assessment roll has been confirmed either pay the full amount of the assessment in cash or notify the town of their election to pay the assessed amount in five annual installments with interest at the rate of eight percent on the unpaid principal amount. If payment on an installment basis is chosen, the first installment with interest shall become due and payable on the date when property taxes are due and payable (September 1), and one subsequent installment and interest shall be due and payable on the same date in each succeeding year until the assessment is paid in full.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of June, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, John Boone, Jim Porto, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: None

OFFER OF DEDICATION OF PATHWAY DRIVE

Chris Peterson, Public Works Director, stated that Prairie Development, Ltd. had requested that the town accept its offer of dedication of Pathway Drive.

Mr. Peterson stated that the administration recommended adoption of the resolution accepting the offer of dedication of this street.

The following resolution was introduced by Alderman John Boone and seconded by Judith Wegner.

A RESOLUTION ACCEPTING THE OFFER OF
DEDICATION OF PATHWAY DRIVE
Resolution No. 63/85-86

WHEREAS, an offer of dedication to the town of Pathway Drive has been made by virtue of the fact that a plat of the street has been recorded; and

WHEREAS, the director of public works has certified that this street has been completed by the developer in accordance with the town's specifications;

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

Section 1. The offer of dedication of Pathway Drive is hereby accepted and this street shall hereafter be maintained by the Town of Carrboro, subject to the warranty of the developer that no defects in workmanship or materials will appear in this street within one year after the date this street is accepted.

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 24th day of June, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Judith Wegner, Jim Porto, John Boone, Zona Norwood

Noes: None

Absent or Excused: None

OFFER OF DEDICATION OF BERRYHILL DRIVE

Chris Peterson, Public Works Director, stated that Weatherhill Limited Partnership had requested that the town accept its offer of dedication of Berryhill Drive.

Mr. Peterson stated that the administration recommended adoption of the resolution accepting the offer of dedication of this street.

The following resolution was introduced by Alderman John Boone and seconded by Judith Wegner.

A RESOLUTION ACCEPTING THE OFFER
OF DEDICATION OF BERRYHILL DRIVE
Resolution No. 64/85-86

WHEREAS, an offer of dedication to the town of Berryhill Drive has been made by virtue of the fact that a plat of the street has been recorded; and

WHEREAS, the director of public works has certified that this street has been completed by the developer in accordance with the town's specifications.

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

Section 1. The offer of dedication of Berryhill Drive is hereby accepted and this street shall hereafter be maintained by the Town of Carrboro, subject to the warranty of the developer that no defects in workmanship or materials will appear in this street within one year after the date this street is accepted.

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 24th day of June, 1986:

Ayes: John Boone, Hilliard Caldwell, Randy Marshall, Tom Gurganus, Judith Wegner, Jim Porto, Zona Norwood

Noes: None

Absent or Excused: None

FINAL PLAT APPROVAL/TENNIS CLUB ESTATES, SECTION IV

Greg Shepard, Zoning Administrator, stated that Wells Management Group had applied for final plat approval for Section IV of Tennis Club Estates located west of Westbrook Drive. Mr. Shepard stated that approval would allow the sale of 24 lots in this 4.88 acre subdivision.

Mr. Shepard stated that the developer had submitted a letter of credit to cover all incomplete site improvements.

Mr. Shepard stated that the administration recommended approval of the final plat with the condition that the applicant inform each buyer, prior to closing, of the schedule for completing all incomplete site improvements. In addition, Mr. Shepard stated that the administration recommended acceptance of performance security for the fitness trail, picnic shelters, and landscaping requirements to ensure their completion after issuance of occupancy permits. All other requirements covered by the performance security must be completed prior to issuance of certificates of occupancy.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE ADMINISTRATION'S RECOMMENDATION BE ACCEPTED. VOTE: AFFIRMATIVE ALL

FINAL PLAT APPROVAL/FENWAY PARK, SECTION I-PHASE I

Greg Shepard, Zoning Administrator, stated that Pika Developers had requested final plat approval that would allow the sale and occupancy of five townhouse units.

Mr. Shepard stated that the administration recommended approval of the final plat with the condition that the applicant inform each buyer, prior to closing, of the proposed schedule for completing all incomplete site improvements. In addition, Mr. Shepard stated that the administration recommended acceptance of performance security for landscaping and paving requirements to ensure their completion after issuance of certificates of occupancy. All other requirements covered by the performance security must be completed prior to issuance of certificates of occupancy.

MOTION WAS MADE BY JUDITH WEGNER THAT FINAL PLAT APPROVAL BE GRANTED SUBJECT TO THE CONDITION THAT THE APPLICANT INFORM EACH BUYER, PRIOR TO CLOSING, OF THE PROPOSED SCHEDULE FOR COMPLETING ALL INCOMPLETE SITE IMPROVEMENTS AND THAT PERFORMANCE SECURITY BE ACCEPTED FOR LANDSCAPING TO ENSURE ITS COMPLETION AFTER ISSUANCE OF CERTIFICATES OF OCCUPANCY. ALL OTHER REQUIRMENTS, INCLUDING PAVING, COVERED BY THE PERFORMANCE SECURITY MUST BE COMPLETED PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY. (MOTION DIED FOR THE LACK OF A SECOND)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ADMINISTRATION'S RECOMMENDATION BE APPROVED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (WEGNER)

ROCK CREEK APARTMENTS/WIDENING OF SMITH LEVEL ROAD

Jim Dunlop, the town's transportation planner, stated that the Board of Aldermen had requested the town staff to investigate the possibility of obtaining right-of-way on Smith Level Road in order for the Harlon Group, developer of Rock Creek Apartments, to complete a left turn lane or alternatives, if unable to obtain the right-of-way.

Mr. Dunlop stated that the administration recommended approval of the developer's request for a waiver from the requirement to construct a 100-foot left turn lane and tapers on Smith Level Road at Rock Haven Road, and accept from the developer a payment in lieu of improvements in the amount of \$3,012.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT THE ADMINISTRATION'S RECOMMENDATION BE APPROVED. VOTE: AFFIRMATIVE ALL

ADOPTION OF FY'86-87 ANNUAL BUDGET AND PAY PLAN

As required by the Local Government Budget and Fiscal Control Act, the administration recommended adoption of a budget ordinance for 1986-87. The administration also recommended adoption of the resolution implementing a Pay Plan for 1986 87.

It was the consensus of the Board to add \$9,500 to the Public Works Department budget to cover the paving of Crest Street, using surplus revenues.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD

CALDWELL THAT \$2,000 BE ADDED TO THE BUDGET FOR THE TEEN CENTER, USING SURPLUS REVENUES. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (MARSHALL, GURGANUS)

MOTION WAS MADE BY JUDITH WEGNER THAT THE ARTSCHOOL APPROPRIATION BE INCREASED BY \$1,000. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NORWOOD, GURGANUS, CALDWELL)

It was the consensus of the Board to add \$500 to the Public Works Department budget for litter control.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE TAX RATE BE INCREASED BY ONE CENT IN LIEU OF THE ADMINISTRATION'S PROPOSED INCREASE OF TWO AND ONE-HALF CENTS. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (PORTO, MARSHALL, WEGNER)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "BUDGET ORDINANCE" FOR FY'86-87 (AS AMENDED) BE ADOPTED. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman John Boone and seconded by Alderman Zona Norwood.

A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 1986-87
Resolution No. 65/85-86

WHEREAS, the Board of Aldermen have adopted a comprehensive Position Classification and Pay Plan; and

WHEREAS, the town staff has prepared the 1986-87 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 1986 - June 30, 1987, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 1986-87 fiscal year.

Section 2. All previously adopted versions of the classification and pay plans which conflict with this resolution are hereby repealed.

Section 3. This resolution shall become effective on July 1, 1986.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of June, 1986:

Ayes: Randy Marshall, Tom Guganus, Hilliard Caldwell, Jim Porto, John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: None

REQUEST FOR EXECUTIVE SESSION

It was the consensus of the Board to go into executive session to discuss property acquisition.

There being no further business, the meeting was adjourned.

Sarah C. Williamson
TOWN CLERK

J. W. Porto

Mayor