

A regular meeting of the Carrboro Board of Aldermen was held on September 16, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Randy Marshall
	Tom Gurganus
	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 SEPTEMBER 9, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED - PTA THRIFT SHOP DAY

Mayor Porto issued a proclamation proclaiming September 22, 1986 PTA Thrift Shop Day in the Town of Carrboro.

REQUEST FOR RELIEF FROM PERMIT REQUIREMENTS

Ray Ogleman, representing R & M Sales, stated that he was trying to relocate his business to the Plantation Plaza Shopping Center but had been informed that the town was not issuing occupancy permits. Mr. Ogleman requested relief from this requirement as his current lease expires on September 30, 1986.

Greg Shepard, Zoning Administrator, stated that the town was not issuing occupancy permits to new businesses in Plantation Plaza because all of the conditions listed in the conditional use permit for this project have not been completed.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT REVOCATION OF THE CONDITIONAL USE PERMIT FOR THE PLANTATION PLAZA SHOPPING CENTER BE INITIATED. VOTE: AFFIRMATIVE 5, NEGATIVE 2 (BOONE, WEGNER)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR OCTOBER 14, 1986 TO CONSIDER THE REVOCATION OF THE CONDITIONAL USE PERMIT FOR THE PLANTATION PLAZA SHOPPING CENTER. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (BOONE)

The Board requested that the administration make a report at the September 23rd Board meeting the revocation procedure and status of incomplete work at the shopping center. In addition, the Board requested that the administration notify tenants of the shopping center of the Board's action.

REQUEST TO SET PUBLIC HEARING/TEMPORARY STREET CLOSING REQUEST/CARRBORO 10K ROAD RACE

The Carrboro Recreation and Parks Department have requested the temporary closing of the 100 block of East Weaver Street and the westbound lane of West Weaver Street from Greensboro Street to Oak Avenue on Sunday, November 9, 1986 from 1:30 p.m. to 3:30 p.m. to accommodate the Annual Carrboro 10K

Race.

The administration requested that a public hearing be set for October 14, 1986 to consider this request.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT A PUBLIC HEARING BE SET FOR OCTOBER 14, 1986.
VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/TEMPORARY STREET CLOSING REQUEST/CARRBORO BAPTIST CHURCH HOMECOMING

Chris Peterson, Public Works Director, stated that the Carrboro Baptist Church had requested the temporary closing of part of North Greensboro Street, from the Main Street Intersection to the Weaver Street Intersection, to vehicular traffic from 9:00 a.m. to 2:00 p.m. on Sunday, October 12, 1986, to accommodate the Carrboro Baptist Church Homecoming.

Mr. Peterson stated that the administration recommended approval of the request and adoption of a resolution authorizing the temporary street closing for this event.

Starnes Weaver, representing Carrboro Baptist Church, requested the Board's favorable consideration of this request.

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

The following resolution was introduced by Alderman Hilliard Caldwell and seconded by Alderman John Boone.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF PART OF NORTH GREENSBORO STREET TO ACCOMMODATE THE CARRBORO BAPTIST CHURCH HOMECOMING
Resolution No. 7/86-87

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The following street shall be temporarily closed Sunday, October 12, 1986 from 9:00 a.m. to 2:00 p.m. to accommodate the Carrboro Baptist Church Homecoming. 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.

North Greensboro Street, from the Main Street Intersection to the Weaver 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.

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 16th day of September, 1986:

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

Noes: None

Absent or Excused: None

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT
REQUEST/MARKET AT WEST END

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that Main Street Partners have applied for a conditional use permit modification that would allow the construction of a temporary outdoor market in the West End parking area on Main Street, which is the future location of the ArtSchool. The series of "tent-like" stalls would operate on weekends from April to December. The property is identified as Tax Map 92, Block A, Lot 5 and is zoned Business- 1(c). Mr. Shepard stated that the administration was recommending approval of the conditional use permit with the following conditions:

- a. That parking lot striping and fire lane marking be completed prior to issuance of a building permit for the Market;
- b. That copies of all parking leases, including the lease between the applicant and A Better Wrench, be provided prior to issuance of a building permit for the Market. And, that said leases prohibit use of the lot for parking during the Market's operation;
- c. That copies of all renewed parking leases be submitted to the Town on a regular basis as the terms of each lease expires;
- d. That written documentation be provided from the owner of Tax Map 99, Block C, Lot 11 indicating the lease of 10 parking spaces and the terms of the lease;
- e. That handicapped parking signs be installed after the restriping of the parking lot in accordance with N.C. General Statute 20-37.6;
- f. That refuse containers be provided in addition to those indicated on the site plan and that one refuse container be provided at each food vendor location;
- g. That fire extinguishers be provided in locations designated by the Fire Marshall during operation of the Market;
- h. That maintenance and cleaning of the Market site be provided at the close of each day the Market has been in operation;
- i. That assembly of the Market's temporary structures begin no earlier than 1:00 a.m. Saturday and be completely disassembled no later than 11:00 p.m. Sunday;
- j. That all site improvements required by the permit or indicated on the site plan be completed prior to issuance of a building permit for the Market;
- k. That the continuing validity of this permit is dependent upon the continuing ability of the owner to provide the requisite number of parking spaces;
- l. That when the lease of the off-site parking from 6,401 square foot lot (Tax Map 92, Block A, Lot 9) exceeds a total period of four years, including renewals, then that lot shall be regarded as part of the lot on which the enterprise is located for purposes of paving and other design requirements of this chapter;
- m. That the parking area striping plan be approved by the Public Works Director prior to issuance of any building permits;
- n. That the conditions of the current conditional use permit

be carried forward to the issuance of the conditional use permit amendment.

The Planning Board recommended adoption of the conditional use permit request with staff recommendations. The Appearance Commission recommended approval of the conditional use permit with the following conditions:

1. That permanent, low, fencing be installed around the planting beds along Main Street to protect existing vegetation from Market vendors and pedestrians.
2. That any existing vegetation that is damaged be replaced with plantings of like size and species.

The Transportation Advisory Board recommended approval of the conditional use permit with the staff recommendations in addition to the following conditions:

1. Vendor vehicles shall not be permitted in the Market Area except for loading and unloading.
2. The owner shall submit a traffic control plan for the Market for approval by the administrator prior to issuance of any building permits.

The Downtown Development Commission recommended approval of the conditional use permit.

Mr. Morgan stated that the Downtown Development Commission had met with the vendors of the Farmers' Market approximately six months ago and one of the things they found desirable was finding another area for crafts people so they would not be in competition for the limited space with the produce people.

Jane Norton, representing Main Street Partners, was sworn in. Ms. Norton stated that the West End Market would be geared towards arts and crafts. Ms. Norton stated that she had met with one of the managers of the Farmers' Market several months ago to assure the farmers that the West End Market will not be in competition with the Farmers' Market. Ms. Norton stated that she was concerned about the traffic problems and they will have an on-site manager to monitor the situation during hours of operation. Ms. Norton stated that the agreement with A Better Wrench is a verbal agreement and that is why the town had not been provided with a copy of it. Ms. Norton suggested that additional plantings be installed in the planting beds along Main Street in lieu of a fence, as recommended by the Appearance Commission. Ms. Norton stated that the market will officially open in the spring of 1987, but may try to open for the 1986 Christmas season. Ms. Norton stated that the vendors will be responsible for putting up and taking down the tents, which will be stored in one location by the Main Street Partners.

Rostyslaw Lewyckyji, residing on W. Main Street, was sworn in. Mr. Lewyckyji questioned whether there would be a conflict with parking space at the Health Center and Sidetrack.

Jacques Menache was sworn in. Mr. Menache stated that he and his family own the Sidetrack parking lot and would be willing to work with the Farmers' Market and Market at West End to providing parking.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL 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 HILLIARD CALDWELL THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLI-

CABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE:
AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD 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 specially 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 void and of no effect.
3. That parking lot striping and fire lane marking be completed prior to issuance of a building permit for the Market.
4. That copies of all parking leases, including the lease between the applicant and A Better Wrench, be provided prior to issuance of a building permit for the Market. And, that said leases prohibit use of the lot for parking during the Market's operation.
5. That copies of all renewed parking leases be submitted to the Town on a regular basis as the terms of each lease expires.
6. That written documentation be provided from the owner of Tax Map 99, Block C, Lot 11 indicating the lease of 10 parking spaces and the terms of the lease.
7. That handicapped parking signs be installed after the restriping of the parking lot in accordance with N.C. General Statute 20-37.6.
8. That refuse containers be provided in addition to those indicated on the site plan and that one refuse container be provided at each food vendor location.
9. That fire extinguishers be provided in locations designated by the Fire Marshall during operation of the Market.
10. That maintenance and cleaning of the Market site be provided at the close of each day the Market has been in operation.
11. That assembly of the Market's temporary structures begin no earlier than 1:00 a.m. Saturday and be completely disassembled no later than 11:00 p.m. Sunday.
12. That all site improvements required by the permit or indicated on the site plan be completed prior to issuance of a building permit for the Market.
13. That the continuing validity of this permit is dependent upon the continuing ability of the owner to provide the requisite number of parking spaces.
14. That when the lease of the off-site parking from 6,401 square foot lot (Tax Map 92, Block A, Lot 9) exceeds a total period of four years, including renewals, then that lot shall be regarded as part of the lot on which the enterprise is located for purposes of paving and other design requirements of this chapter.
15. That the parking area striping plan be approved by the Public Works Director prior to issuance of any building permits.

16. That the traffic flow be redesigned if and when a traffic light is installed at the Lloyd Street Intersection so as to allow traffic to exit at this location.
17. That appropriate plantings be installed around the planting beds along Main Street to protect existing vegetation from Market vendors and pedestrians.
18. That existing vegetation which is damaged be replaced with plantings of like size and species.
19. That the sale of home-baked goods and produce be prohibited.

VOTE: AFFIRMATIVE ALL

QUALITY ASSURANCE AGREEMENT

Chris Peterson, Public Works Director, stated that the administration recommended that the Town Manager be authorized to execute an amendment to the agreement with Parrish and Associates to include quality assurance in an amount not to exceed \$8,500 in connection with the Street Improvements Bond Program.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH PARRISH AND ASSOCIATES TO INCLUDE QUALITY ASSURANCE TESTING IN AN AMOUNT NOT TO EXCEED \$8,500. VOTE: AFFIRMATIVE ALL

ADDITIONAL REPLACEMENT WINDOWS FOR TOWN HALL

Don Casper, Assistant Town Manager, stated that the 1986-87 adopted budget contained funds adequate to replace windows and doors on the front and west sides of Town Hall. A very competitive bid could be extended at this time to complete the entire building (back and east sides). Mr. Casper stated that the administration was recommending the town use uncommitted fund balances to complete this project. It would appear that approximately 10% of the cost of this project could be saved by completing the work at this time.

Mr. Casper stated that the administration recommended adoption of a attached budget amendment and requested that the Town Manager be authorized to enter into an agreement with Rice's Glass Company for a total cost of \$12,500 to complete this work.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'86-87 BUDGET ORDINANCE," BE ADOPTED AND THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH RICE'S GLASS COMPANY FOR A TOTAL COST OF \$12,500. VOTE: AFFIRMATIVE ALL

EXECUTIVE SESSION

It was the consensus of the Board of Aldermen to go into executive session to discuss potential litigation.

REQUEST FOR PERMITS/ARTSCHOOL

Jacques Menache, Executive Director of the ArtSchool, presented a letter requesting that the town issue plumbing, electrical, sprinkler and HVAC permits prior to obtaining a

general building permit for the building located at 300 E. Main Street (the future location of the ArtSchool). Mr. Menache stated that the ArtSchool will be engaging in renovations of general nature, at its own risk and cost, with the knowledge that final occupancy as an art center will necessitate the approval of an amended conditional use permit. The renovations can, and will be used in accordance with the current permit, should the requested amendment fail to be approved. Mr. Menache stated that the ArtSchool is actively seeking a general building permit and is completing the application to amend the existing conditional use permit, which should be turned in to the town by September 19, 1986.

Greg Shepard, Zoning Administrator, stated that the town intended to issue permits to the ArtSchool to cover rough-in for water and sewer, the sprinkler system and building permit to install walls upon which the plumbing fixtures will be mounted. Mr. Shepard informed the Board that electrical and HVAC permits would not be issued until the amended conditional use permit is approved.

Mike Brough stated that if the internal renovations are such that they could be used not only for a use that would require a permit but also for one that is within the existing permit, then there is no problem with issuing Building Code type permits prior to the issuance of a conditional use permit.

The Board concurred with the administration's proposal.

There being no further business, the meeting was adjourned.

Sarah C. Williams
Town Clerk

W. P. [Signature]
Mayor