

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 25, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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| Mayor | James V. Porto, Jr. |
| Aldermen | Randy Marshall |
| | Tom Gurganus |
| | Hilliard Caldwell |
| | John Boone |
| | Judith Wegner |
| | Zona Norwood (arrived at 8:00) |
| 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 HILLIARD CALDWELL THAT THE MINUTES OF NOVEMBER 18, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FOR CHANGE IN OWNERSHIP OF CABLE T.V. FRANCHISE

Alert Cable T.V. requested Board approval of a change in the ownership of Wometco Cable T.V., Inc., the corporation that owns all of the outstanding stock of Alert. Pursuant to Section 16-8 of the Town Code, any change in ownership or control of a franchisee must be approved by resolution of the Board. Alert Cable has provided the necessary resolution.

The Board of Aldermen reviewed this matter at its worksession held on November 18, 1986, and requested that this matter be placed on tonight's consent agenda for approval.

Doug Keel, local manager of Alert Cable, explained that the timing of Alert's proposed rate increases and change in ownership was coincidental--that the rate increases are not a result of change in ownership.

The Board requested that the Cable T.V. Committee review the rate increases and changes in programming proposed by Alert.

(Alderman Norwood arrived at the meeting.)

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

A RESOLUTION GRANTING MUNICIPAL APPROVAL TO
 THE ACQUISITION OF THE STOCK OF WOMETCO CABLE T.V., INC.
 BY BT CABLE, INC.
 Resolution No. 12/86-87

WHEREAS, Alert Cable T.V. of North Carolina, Inc., a wholly owned subsidiary of Wometco Cable T.V., Inc., is a cable television franchisee in the Town of Carrboro; and

WHEREAS, the outstanding stock of Wometco Cable T.V., Inc. is presently controlled by members of its management and investors organized by Kohlberg Kravis Roberts & Co.; and

WHEREAS, BT Cable, Inc. proposes to acquire 100% of the outstanding stock of Wometco Cable T.V., Inc., all as set forth in the letter application dated October 21, 1986; and

WHEREAS, approval has been requested as to the foregoing transaction;

NOW, THEREFORE, BE IT RESOLVED that the Town of Carrboro hereby grants its approval, as requested, to the change in

control of Wometco Cable T.V., Inc., all as set forth in the letter application dated October 21, 1986.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of November, 1986:

Ayes: Randy Marshall, Jim Porto, John Boone, Judith Wegner, Zona Norwood

Noes: Hilliard Caldwell, Tom Gurganus

Absent or Excused: None

PUBLIC HEARING/CONDITIONAL USE PERMIT AMENDMENT/ARTSCHOOL

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that Main Street Partners have applied for a conditional use permit amendment that would allow the modification of the existing permit to allow an Arts Inclusive Mixed Use Development at 300 East Main Street. The land is identified as Tax Map 92, Block A, Lots 5, 8 and 9 and is zoned B-1(c) and B-1(g).

Mr. Shepard presented the proposed site plan and stated that the administration recommended that the application be denied since the development, if completed as proposed, will not comply with all of the requirements of the land use ordinance. Mr. Shepard stated this recommendation was as specified in Section 15-51 of the land use ordinance dealing with incomplete applications. Mr. Shepard stated that when the application was complete, the administration would recommend the following conditions:

1) That a plat be prepared and recorded in the Orange County Registry which indicates a dedication of additional right-of-way. The new right-of-way shall be 12 feet behind the existing back edge of sidewalk for the property's frontage along East Main Street;

2) That all previous conditional use permit conditions shall be continued as conditions for this proposed amendment.

3) That a planting plan, including foundation and planting bed details be submitted for review and approval by staff prior to issuance of a building permit.

Jim Dunlop, the town's transportation planner, was sworn in. Mr. Dunlop stated that it was the town staff's policy to request developers to dedicate right-of-way any time that a future widening is planned on either a thoroughfare or a collector facility.

Steve Oglesbee, Chair of the Transportation Advisory Board, was sworn in. Mr. Oglesbee stated that the Transportation Advisory Board recommended approval of the application with the following conditions:

A) The following item, which make the application incomplete, be completed:

1. Indicate the zoning district line which divides the property in B-1(c) and B-1(g) and indicate the uses applied for within each district, in accordance with Appendix A-5(d) of the land use ordinance.
2. Indicate the future right-of-way for East Main Street which shall be 12' behind the back edge of the existing sidewalk, in accordance with Section 15-54(c)(4)(d).
3. Revise the plans for the project to indicate that

the unpaved portion of the area behind Building #3 is not part of the Artschool

B) When the application is complete, the following conditions be included on the permit:

1. That a plat shall be prepared and recorded in the Orange County Registry which indicates a dedication of additional right-of-way. The new right-of-way shall be 12 feet behind the existing back edge of sidewalk for the property's frontage along East Main Street.
2. That all previous conditional use permit conditions shall be continued as conditions for this proposed amendment.

Robert Morgan, Executive Director of the Downtown Development Commission, was sworn in. Mr. Morgan stated that the Downtown Development Commission supported the approval of a conditional use permit for the Artschool once the application is completed as recommended by the staff as follows: Items 1,2,4 and 3 with the understanding that the paving requirement would be postponed for a set period of time. Mr. Morgan stated that the Downtown Development Commission also recommended conditions suggested by staff as follows: Item 2 and either Item 1 or that the additional twelve foot right-of-way be reserved.

Jacques Menache, Director of the Artschool, was sworn in. Mr. Menache requested that the Artschool be allowed to move into the building and have the paving done after the necessary funds are available.

Chris Peterson, Public Works Director, was sworn in. Mr. Peterson stated that more than one business can share a dumpster. Mr. Peterson stated that if the proper compaction is available, the cost of paving could be substantially reduced.

Steven Fisher, the architect for the project, was sworn in. Mr. Fisher requested relief from the requirement that shrubbery be installed.

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

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

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JOHN BOONE THAT THE PLAT BE AMENDED TO SHOW THE RESERVATION OF RIGHT-OF-WAY TWELVE FEET BEHIND THE BACK EDGE OF THE EXISTING SIDEWALK ALONG MAIN STREET AND THAT THE PLAT BE AMENDED TO SHOW APPROPRIATE PAVING AND DUMPSTER PAD BEHIND BUILDINGS #2 AND #3. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (PORTO)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JOHN BOONE THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE, SUBJECT TO AMENDMENT OF THE PLAT AS STATED IN THE PREVIOUS MOTION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1) That the 8 trees proposed for planting around the existing laundry building (Building #2 on the landscape plan) may be 1 1/2" caliper size;

2) That the ginko trees proposed for the planting be identified as male species;

3) That the trees indicated in the southeast corner of the site be deleted for shading requirements;

4) That all trees indicated on the plans be identified by species name;

5) That the rhododendrons indicated on the plans be replaced with azaleas;

6) That all shrubs proposed for planting be identified on the plan and that their planting size be a minimum of 3 to 5 gallon;

7) That all trees proposed for planting, except those previously mentioned in the area of Building #2 and ginko species, be a minimum of 2 to 3 inches caliper size;

8) That a planting plan, including foundation and planting bed details, be submitted for review and approval by the town staff prior to issuance of a building permit;

9) That the area reserved for right-of-way along Main Street be dedicated to the Town of Carrboro when requested by the Town, which request must be made, if at all, within ten years from the date of this permit amendment;

10) That the plat be amended to show the reservation of right-of-way twelve feet (12') behind the back edge of the existing sidewalk along Main Street;

11) That the plat be amended to show the appropriate asphalt and dumpster pads behind Buildings #2 and #3;

12) That all previous conditional use permit conditions be continued as conditions for this proposed amendment.

VOTE: AFFIRMATIVE ALL

QUARTERLY REPORT/DOWNTOWN DEVELOPMENT COMMISSION

The Board deferred this item until its December 9, 1986 meeting.

APPOINTMENT TO APPEARANCE COMMISSION

Ms. Liz Sherouse, a resident of 406 James Street, requested appointment to the Appearance Commission. The Chair of the Appearance Commission recommended her appointment.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT LIZ SHEROUSE BE APPOINTED TO THE APPEARANCE COMMISSION. VOTE: AFFIRMATIVE ALL

JOINT PLANNING AGREEMENT

Roy Williford, Planning Director, stated that on November 10, 1986, the Orange County Board of Commissioners held a public hearing on the revised Joint Planning Agreement with Chapel Hill. This agreement differs from Carrboro's revised November 3, 1986 version. Mr. Williford stated that the administration recommended that the Board of Aldermen review the revised Chapel Hill version to provide the County with additional comments to assure eventual consistency between the Chapel Hill and Carrboro versions, that the approval of the Chapel Hill agreement be continued beyond the slated December 1st date, and that the zoning classifications within the rural buffer be delayed until such time that the line can be agreed upon.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE ADMINISTRATION'S RECOMMENDATION BE ACCEPTED. VOTE: AFFIRMATIVE ALL

CANCELLATION OF BOARD MEETINGS

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE DECEMBER 2ND AND DECEMBER 23RD BOARD MEETINGS BE CANCELLED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/LAND USE ORDINANCE AMENDMENT/QUORUM FOR BOARD OF ADJUSTMENT

The administration presented a proposed ordinance amending the Land Use Ordinance to provide that a quorum of the Board of Adjustment shall consist of the number of members equal to a majority of non-vacant seats on the board. The administration recommended that a public hearing be set for December 16, 1986.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JOHN BOONE THAT A PUBLIC HEARING BE SET FOR DECEMBER 16, 1986. VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

J. W. Burt
Mayor