

Revised June 21, 1988

A regular meeting of the Carrboro Board of Aldermen was held on June 14, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Jay Bryan
Town Manager	Robert W. Morgan
Deputy Town Clerk	Beth McFarland
Town Attorney	Michael B. Brough

Absent:

Alderman	Judith Wegner
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF JUNE 7, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

RESOLUTION HONORING VIRGINIA GRANTHAM

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION HONORING VIRGINIA GRANTHAM
Resolution No. 59/87-88

WHEREAS, Virginia Dare Merritt Grantham has dutifully served the children of Carrboro citizens for 35 years as a fourth grade teacher at Carrboro Elementary School; and

WHEREAS, with dignity, grace, wisdom, patience and love, she has molded and shaped their lives and enhanced their educational promise; and

WHEREAS, she has tirelessly devoted her time and effort to educate several generations of present and future citizens of the Town; and

WHEREAS, the Chapel Hill-Carrboro Jaycees have named Mrs. Grantham "Educator of the Year for 1988".

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to Virginia Dare Merritt Grantham for her exceptional service to the children of Carrboro citizens.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Mrs. Grantham.

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 14th day of June, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: Judith Wegner

REQUEST FOR SUPPORT OF ARTSCENTER

Carol Drinkard, Chair of the Downtown Development Commission, requested the Board of Aldermen seek a means to support the ArtsCenter, especially during their current time of crisis. Ms. Drinkard stated that the Downtown Development Commission feels the ArtsCenter is a key element in the effort at downtown revitalization because it provides a major anchor of activity.

PUBLIC HEARING SET/AURORA RESTAURANT REVOLVING LOAN FUND APPLICATION

The town has received an application from Aurora Restaurant for a loan from the Carrboro Revolving Loan Fund. The application has been reviewed by the Revolving Loan Fund Review Board. The administration requested that a public hearing be scheduled for July 12, 1988 to receive citizen comments on the application.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR JULY 12, 1988. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CIRCLE K CONDITIONAL USE PERMIT REQUEST

Helen Waldrop, the town's Zoning Administrator, was sworn in. Ms. Waldrop stated that Howard M. Crutchfield had applied for a conditional use permit that would permit the development of a convenience food store with gasoline sales on the west side of Smith Level Road at Rock Haven Road. The parcel is identified as Tax Map 122, Block A, Lot 5 and is zoned B-3. Ms. Waldrop presented the site plan for the proposed project and presented a slide presentation on existing land use and the proposed land use. Ms. Waldrop stated that the administration recommended approval of the conditional use permit with the following conditions:

1) That final grading and drainage plans be approved by the Town Engineer prior to issuance of building permits or site grading activities;;

2) That stormwater facilities discharging into the swale at Smith Level Road be designed to accommodate a 25-year storm frequency;

3) That hours of operation be limited to 6 a.m. through 12 a.m. midnight. Security lighting used between the hours of 12 a.m. and 6 a.m. shall be a type of ground level lighting. Floodlight sanctions shall be no higher than 15 feet, and sodium vapor bulbs be used for all lighting.

4) That prior to issuance of the Certificate of Occupancy for the convenience store the applicant shall be responsible for 1) the submission and approval of a minor subdivision final plat with property lines as proposed on the permit plan, or 2) installation of a Type A screen along the entire western property boundary of the 2.23-acre parcel; and

5) That the heating, ventilation, and air conditioning units be installed at ground level rather than on the roof of the building.

Mary Jane Baker, a member of the Appearance Commission, was sworn in. Ms. Baker stated that the Appearance Commission recommended approval of the permit with the following conditions:

- 1) That the irrigation system to be installed for landscaping be a drip type of system;
- 2) That final grading and drainage plans be approved by the Town Engineer prior to issuance of building permits or site grading activities;
- 3) That the stormwater detention basin be designed such that post-development 25-year stormwater flow rates shall not exceed pre-development 10-year stormwater flow rates; and
- 4) That stormwater facilities discharging into the swale at Smith Level Road be designed to accommodate a 25-year storm frequency.

Greg Shepard, with Shepard Design Associates, was sworn in. Mr. Shepard stated that Circle K has no problem with staff conditions 1,2,4. Mr. Shepard stated that the developer would like to place the air conditioning units on the ground level, rather than on the roof as recommended by the town staff. Mr. Shepard stated that the developer was opposed to staff condition #3 concerning hours of operation and flood light sanctions. Circle K desires to operate on a 24-hour basis, but would be willing to turn off sign lights at midnight. Mr. Shepard stated that Circle K desires a 20' light pole with a metal hyalite lights as opposed to sodium vapor lights recommended by staff.

Bob Brown, a resident of 1509 Smith Level Road, was sworn in. Mr. Brown presented a petition opposing the proposed project. Mr. Brown stated concern about the subdivision of this property and the possibility of a day-care being built adjacent to the proposed Circle K store. Mr. Brown expressed concern about the traffic on Smith Level Road and that the proposed project would destroy the integrity of a pleasant entry into Carrboro. Mr. Brown stated that Circle K's track record was very bad in Raleigh, that this project would be destroying the quality of life in this neighborhood and the harmony of this community. In addition, Mr. Brown stated that the trucks serving Circle K add to the existing traffic problems on Smith Level Road. Mr. Brown stated that had the manager of Rock Creek Apartments known this property was for sale, the apartment owners would like to have installed tennis courts on it.

Don Willhoit, a resident of 203 Lexington Drive, was sworn in. Mr. Willhoit stated concern that this development will cause additional traffic problems, specifically when making left turns into and out of the project. Mr. Willhoit encouraged design changes, specifically a one-way entrance into the project and encouraged the Board not to let the developers subdivide the property. Mr. Willhoit requested more screening of gas pumps and screening of dumpsters.

David Bell, a resident of Smith Level Road and owner of Edgewood Apartments, was sworn in. Mr. Bell expressed concern about the traffic problems on Smith Level Road, times of delivery, lighting, screening for Smith Level Road, and law enforcement.

Margaret Brown, a resident of 1509 Smith Level Road, was sworn in. Ms. Brown stated concern that residents were not aware of this public hearing, was very opposed to commercial development in this area, stated concern about traffic problems created by this development and felt that this project will become a stopping place for large trucks.

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

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE APPLICATION BE DENIED BECAUSE, IF COMPLETED AS PROPOSED, THE DEVELOPMENT MORE PROBABLY THAN NOT WILL MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY FOR THE FOLLOWING REASONS:

1) THE POLICE CHIEF'S COMMENTS IN HIS LETTER ABOUT THE HIGH VOLUME OF TRAFFIC AND THE HIGHER THAN AVERAGE OCCURRENCES OF ACCIDENTS AND OTHER TRAFFIC RELATED COMPLIANTS IN THESE SITUATIONS. THE TOWN STAFF'S FIGURES OF 1,800 TRIPS PER 24 HOURS OR 1,000 TRIPS PER 16-HOUR DAY GENERATED BY THIS PROJECT WHICH WOULD ADD TO EXISTING HAZARDOUS TRAFFIC PROBLEMS ON SMITH LEVEL ROAD. SPECIFICALLY, WHEN SCHOOL IS IN SESSION, THE TRAFFIC BACKS UP FOR A GREAT DISTANCE AND IT WOULD BE VERY DIFFICULT TO HAVE LEFT TURNS AND VERY DIFFICULT FOR PEOPLE TO GET IN AND OUT. THE TYPE OF TRAFFIC WILL BE DELIVERY TRUCKS, GAS CUSTOMERS AND OTHER CUSTOMERS AND IT WOULD BE UNTHINKABLE TO ADD MORE TRAFFIC OF THIS TYPE UNTIL SOMETHING HAS BEEN DONE TO IMPROVE IT.

2) SECOND, HEALTH AND SAFETY. THE POLICE CHIEF'S COMMENTS ABOUT POLICE SURVEILLANCE OF THE AREA, THAT IT'S HIGH CRIME AND THAT ISOLATED FROM ROUTINE NIGHT TIME PATROL CAUSES PROBLEMS FOR BOTH THE BUSINESS AND THE POLICE DEPARTMENT. THE LOCATION POSES PROBLEMS IN THE ABILITY TO RESPOND TO CALLS AND THE POLICE CHIEF'S STATEMENT THAT ANOTHER CONVENIENCE STORE WOULD BE STRETCHING THE POLICE DEPARTMENT'S RESOURCES.

(NO VOTE WAS TAKEN ON THIS MOTION)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE RE-OPENED TO DETERMINE THE APPLICANT'S LEGAL RELATIONSHIP TO THE OWNER. VOTE: AFFIRMATIVE ALL

Greg Shepard stated that Shorty Pendergrass currently owns the property and that Circle K has an option to buy it if the conditional use permit is approved. Mr. Shepard presented further testimony concerning traffic counts taken on Smith Level Road, that Circle K would have to comply with the town's noise ordinance, and that this property had been zoned B-3 for eight years.

Mike Brough stated that under Section 15-48A of the Land Use Ordinance an option to purchase does not have court standing to apply for a conditional use permit.

Greg Shepard stated that Circle K has a contract to purchase the property with certain conditions.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THIS PUBLIC HEARING BE CONTINUED UNTIL JUNE 21, 1988 FOR THE SOLE PURPOSE OF ALLOWING INTRODUCTION OF LEGAL DOCUMENTS TO ESTABLISH THE APPLICANT'S LEGAL RELATIONSHIP TO THE OWNER. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (SHETLEY, BRYAN)

MOTION TO AMEND THE PREVIOUS MOTION WAS MADE BY JAY BRYAN TO INCLUDE ONE PROPERTY OWNER'S REBUTTABLE OF COMMENTS MADE BY GREG SHEPARD. (MOTION DIED FOR THE LACK OF A SECOND)

PUBLIC HEARING/1988-89 MANAGER'S BUDGET

Mr. Morgan outlined the proposed budget for 1988-89.

Nancy Park, representing the Child Care Network, requested that the Board consider funding this organization in the 1988-89 budget.

Sharon Madden, representing Highland Hills Apartments, presented a petition requesting that at least four additional trips be made to the Highland Hills Apartments, Villages Apartments and Rock Creek Apartments.

Diana Green, representing Ramsgate Apartments, presented a petition requesting that the existing bus stop at Ramsgate Apts. be utilized. Ms. Green also requested that the town provide express bus service.

Joel Carter, representing the ArtsCenter, requested the town's support of the ArtsCenter.

Richardson Pryor, representing the ArtsCenter, stated that he felt the ArtsCenter would get back on its feet with the help of Carrboro.

Jackie Gist, a resident of 505 E. Poplar Avenue, presented a resolution supporting the ArtsCenter.

Carol Burnett, representing the Women's Center, spoke in favor of full funding for the Women's Center.

Robert Humphries, representing the Teen Center, spoke in favor of funding for the Teen Center.

Will Ward, a resident of 211 Blueridge Road, spoke in favor of funding for the Teen Center.

Gary Giles, a resident of 402 James Street, spoke in favor of funding for the Teen Center.

Mary Bushnell, a resident of Pine Street, spoke in favor of the Teen Center.

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

COMMUNITY CENTER FEASIBILITY STUDY

Richard Kinney, the town's Recreation Director, stated that the Recreation and Parks Commission had been pursuing architectural services to prepare a feasibility study for a potential community center. Mr. Kinney stated that the administration agreed with the Recreation and Parks Commission's recommendation that the contract be awarded to Tise-Hanks for a total cost of \$2,500.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO A SERVICE AGREEMENT WITH TISE-HANKS TO PROVIDE CONSULTING SERVICES FOR A COMMUNITY CENTER FEASIBILITY STUDY FOR THE LUMP SUM OF \$2,500. VOTE: AFFIRMATIVE ALL

TRIANGLE J WATER QUALITY MONITORING PROPOSAL

Mr. Morgan stated that the town had received an invitation from Triangle J Council of Governments to participate in a water quality monitoring proposal. OWASA has offered to pay the town's proportional share of the project and serve as the town's steering committee member. Mr. Morgan stated the administration requested authorization to negotiate a funding agreement with OWASA and Chapel Hill for participating in the proposal.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE ADMINISTRATION BE AUTHORIZED TO NEGOTIATE A FUNDING AGREEMENT WITH OWASA AND CHAPEL HILL FOR PARTICIPATING IN THE WATER QUALITY MONITORING PROPOSAL, AND THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE AGREEMENT AND THE INTERLOCAL AGREEMENT FOR INITIATING THE PROPOSAL. VOTE: AFFIRMATIVE ALL

REVIEW OF OWASA'S PROPOSED MEMORANDUM OF UNDERSTANDING TO PROVIDE WATER TO CHATHAM COUNTY

Mr. Morgan presented a copy of the Town of Chapel Hill's agenda item concerning the proposed Chatham County - OWASA water agreement and cooperative planning with Chatham County. Mr. Morgan also presented a resolution adopted by the Chapel Hill Town Council on June 13, 1988 regarding discussion of planning matters with Chatham County and requesting the OWASA Board to defer action on the proposed agreement on the sale of water to Chatham County.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT CHATHAM COUNTY'S OFFER TO DISCUSS JOINT PLANNING ISSUES AND APPOINT REPRESENTATIVES TO WORK ON AN INTER-JURISDICTIONAL COMMITTEE BE ACCEPTED. VOTE: AFFIRMATIVE ALL

CAROLINA CABLE FRANCHISE MODIFICATION

Mr. Morgan stated that Carolina Cable had requested an amendment to their limited franchise with the town in order to enable them to provide teleconferencing services to N.C. Memorial Hospital facilities located at 521 South Greensboro Street. Mr. Morgan stated that the Town Attorney had prepared the necessary franchise ordinance amendment for the Board's consideration.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE GRANTING A LIMITED FRANCHISE TO PRIME CABLE TO CONNECT THE HOSPITAL FACILITIES AT 521 SOUTH GREENSBORO STREET TO ITS CABLE TELEVISION SYSTEM," BE ADOPTED ON FIRST READING. VOTE: AFFIRMATIVE ALL

RESOLUTION REQUESTING ORANGE COUNTY NOT CHANGE THE RURAL ROUTE DESIGNATION FOR RURAL ROUTE 11

Alderman Marshall stated that he had been notified that the Orange County Board of Commissioners was holding a public hearing on June 21, 1988 to consider assigning house numbers to Chapel Hill Rural Route 11. Alderman Marshall expressed concern that Carrboro residents would be assigned Chapel Hill house numbers.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION REQUESTING THE ORANGE COUNTY COMMISSIONERS
DELAY ACTION ON CHANGING ADDRESSES ON RURAL ROUTE 11
LOCATED WITHIN THE TOWN OF CARRBORO
Resolution No. 60/87-88

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board respectfully requests the Orange County Board of Commissioners delay action on changing the rural route designation within the Carrboro Rural Route 11 until such time that the Carrboro Post Office agrees to provide mail delivery to the residents within this area.

Section 2. Copies of this resolution shall be delivered to the Chair of the Orange County Commissioners, the Orange County Manager and the Orange County Planning Director.

Section 3. This resolution shall become effective upon adoption.

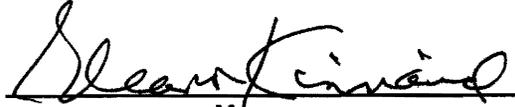
The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of June, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: Judith Wegner

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL



Mayor



Deputy Town Clerk