

Revised: 7/19/88

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday June 21, 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
	Judith Wegner
	Jay Bryan
Town Manager	Robert W. Morgan
Deputy Town Clerk	Beth McFarland
Town Attorney	Bob Hagemann (Representing Michael Brough)

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF JUNE 14, 1988 BE APPROVED WITH THE FOLLOWING CHANGES:

1. THAT GREG SHPEPARD'S TESTIMONY ON PAGE 5 BE AMENDED TO READ "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."

2. THAT THE MOTION ON PAGE FIVE MADE BY FRANCES SHETLEY BE REVISED TO READ VERBATIM.

VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/BERRYHILL SUBDIVISION

Bradgate Associates, Inc. has applied for a conditional use permit that would permit the development of a 113-single family unit subdivision with a 144-unit multi-family apartment complex to be located on the west side of Smith Level Road between BPW Club Road and NC. 54. The parcel is identified as Tax Map 122, Block A, Lots 2 and 2F and is zoned R-10. The administration recommended that a public hearing be set for July 12, 1988.

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

CONTINUATION OF PUBLIC HEARING/CIRCLE K CONDITIONAL USE PERMIT REQUEST

Howard M. Crutchfield has 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.

The public hearing held on June 14, 1988, to consider this application was continued in order to allow introduction of evidence supporting the applicant's legal relationship to the owner.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE REOPENED FOR THE SOLE PURPOSE OF ACCEPTING INTO THE RECORD A COPY OF THE PURCHASE CONTRACT FOR THE PROPERTY IN QUESTION. VOTE: AFFIRMATIVE ALL

Bob Hagemann stated that the Board and the Deputy Town Clerk had been presented with copies of the purchase contract.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JUDITH WEGNER THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JUDITH WEGNER THE THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. 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 evidence submitted by the Police Chief concerning the high volume of traffic and the higher than average occurrences of accidents and other traffic-related complaints around convenience stores.
2. The town staff's evidence that this project would generate 1,000 trips per 16-hour day or 1,800 trips per 24-hour day, which would add to existing hazardous traffic problems on Smith Level Road. Specifically, when school is in session, traffic backs up for a great distance and it would be very difficult for traffic to make left turns and very difficult for delivery trucks, gas customers and other customers to enter and exit onto Smith Level Road.
3. The type of traffic will include delivery trucks, gas customers and other customers who will be making frequent and difficult turning movements in and out of traffic and across traffic.
4. The Police Chief's comments that this project is somewhat isolated from routine night-time police patrols and will create problems with the Police Department's overall ability to respond to calls and will necessitate an even further stretching of Police Department resources.
5. That public safety will not be maintained or promoted on Smith Level Road in the vicinity of this convenience store.
6. The proposed use will not be harmony with the area in which it is to be located because the area is totally residential and because the people who live in that area, according to evidence presented, are opposed to it and therefore it is not in harmony with the people who live there.
7. The proposed use is not in harmony with the Year 2000 Task Force Report in that the report, states in Section 3.42 that convenience stores do serve a need and the number of these locations should be controlled so to avoid the creation of strip shopping areas, traffic problems and incompatible uses.

VOTE:AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, GURGANUS, CALDWELL)

PUBLIC HEARING/BAPTIST HERITAGE CHURCH CONDITIONAL USE PERMIT REQUEST

Baptist Heritage Church of Chapel Hill has applied for a conditional use permit that would permit the construction of a church sanctuary and parsonage to be located at 832 Smith Level Road. The parcel is identified as Tax Map 122, Block A, Lot 10 and is zoned R-80.

Helen Waldrop, the Town's Zoning Administrator, was sworn in. Ms. Waldrop presented the site plan for the proposed project and a slide presentation on existing land use and the proposed land use.

Robin Lackey, Chair of the Planning Board, was sworn in. Ms. Lackey stated that the Planning Board's recommendation number 4 was to leave the fire hydrant as it appeared on the site plans, and not to require the developers to move the hydrant, as recommended by staff.

Helen Waldrop presented information comparing septic tank usage for this tract versus the Richardson tract.

Phillip Post, the engineer representing the developer, was sworn in. Mr. Post stated that the developer was in favor of leaving the proposed fire hydrant as it appeared on the site plan.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL 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 specifically 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 the fire hydrant be located on the eastern side of Smith Level Road.
- 4) That additional plantings be installed along the southern property boundary prior to issuance of any certificate of occupancy if, in the opinion of the Zoning Administrator, existing vegetation will not meet requirements of a Type A screen.
- 5) That the handicap parking spaces be paved.
- 6) That the required car stops for the parking spaces be concrete or other material approved by the Public Works Director.

- 7) That foundation plants be installed around the three proposed buildings. The Appearance Commission shall have the opportunity to review and comment on the selection of plants prior to issuance of building permits.
- 8) That the existing damaged pines between the proposed driveway and Smith Level Road be pruned and thinned.
- 9) That a line of hardwood trees be installed 50 feet on center along Smith Level Road.
- 10) That the proposed sod filter strips at the stormwater outlets be extended to the edges of the vegetation clearing limits.

VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/TEMPORARY PROHIBITION OF WATERSHED DEVELOPMENTS OF FOUR UNITS OR LOTS USING SEWAGE TREATMENT SYSTEMS OTHER THAN THE OWASA SYSTEM

Ann Weeks, the Town's Senior Planner, stated that this Land Use Ordinance text amendment would expand the coverage of the temporary prohibition of development activities in the University Lake Watershed, which was approved by the Board of Aldermen on May 3, 1988. This ordinance would prohibit developments which would create four lots or units or greater on any sewage treatment system other than the OWASA system, whereas the earlier amendment prohibited such development activities only if a septic tank or other alternative system with a design capacity of 3,000 gallons per day or less were proposed. Both this and the previous ordinance amendment are intended to be temporary, and are to be re-evaluated upon the completion of the OWASA study, or no later than April, 1989.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board had not reviewed the proposed ordinance due to the number of items coming before the Planning Board.

Phil Szostak spoke in favor of the proposed ordinance amendment.

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

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO TEMPORARILY PROHIBIT DEVELOPMENTS IN THE WATERSHED THAT CONTAIN MORE THAN FOUR LOTS OR DWELLING UNITS AND ARE SERVED BY SEWAGE TREATMENT SYSTEMS OTHER THAN THE OWASA SEWAGE TREATMENT SYSTEM," BE ADOPTED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/ LAND USE ORDINANCE TEXT AMENDMENT DEALING WITH THE USE AND STORAGE OF HAZARDOUS CHEMICALS IN THE UNIVERSITY LAKE WATERSHED

Ann Weeks, the Town's Senior Planner, stated that in 1987 amendments to the N.C. Hazardous Chemicals Right to Know Act made some of the provisions of Section 15-158 of the Land Use Ordinance illegal. The amended act sets out a uniform system for disclosure of information regarding the use or storage of hazardous chemicals, and specifically pre-empts local governments from having or implementing their own systems, such as the one described in 15-158(c) of Carrboro's ordinance. Ms. Weeks presented two land use ordinance amendment options to correct this situation.

Bob Hagemann explained the State's Right-to-Know Act versus the Carrboro Land Use Ordinance.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AMEND SECTION 15-158 HAZARDOUS SUBSTANCES IN B-5 AND WM-3 DISTRICTS," (OPTION ONE) BE ADOPTED. VOTE: AFFIRMATIVE ALL

CAROLINA CABLE FRANCHISE MODIFICATION

Carolina Cable requested an amendment to their limited franchise with the Town of Carrboro in order to enable them to provide teleconferencing services to the N.C. Memorial Hospital facilities located at 521 South Greensboro Street. This franchise amendment was adopted on first reading by the Board of Aldermen at its meeting of June 14, 1988.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL 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. VOTE: AFFIRMATIVE ALL.

APPOINTMENT TO OWASA BOARD

The term of one of the town's positions on the OWASA Board of Directors expires on June 30, 1988. Braxton Foushee is currently serving in this position and has expressed an interest in being re-appointed. The Town Clerk advertised this position and received responses from Andrew Dobelsteim, Richard Ellington, Henry Anderson III and Dazzie Lane expressing interest in serving.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE NOMINATIONS BE CLOSED. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY FRANCES SHETLEY THAT HENRY ANDERSON III BE APPOINTED TO THE OWASA BOARD OF DIRECTORS. VOTE: AFFIRMATIVE ALL.

AMENDMENTS TO 1987-88 BUDGET

Larry Gibson, the Assistant Town Manager, stated that the administration recommended a budget amendment transferring monies from the General Fund to the Capital Reserve Fund as a means of reserving or carrying forward funds for the street resurfacing project, parking lot construction project and expansion of rescue squad facilities. In addition, an unanticipated balance of \$1,787 reflected in last year's audit remained in the town's Revenue Sharing Fund. This balance is needed for the same purpose as other revenue sharing funds appropriated in the current year.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING FY '87-88 BUDGET ORDINANCE". VOTE: AFFIRMATIVE ALL.

UNCOLLECTABLE AD VALOREM TAXES

Larry Gibson, the Assistant Town Manager, stated that records indicate 1977 ad valorem taxes in the amount of \$23,728.90 remain uncollected. The statute of limitations apply after 10 years. The administration recommended that these amounts be recognized as uncollectable and permit the Finance Department to remove these amounts from the accounting records.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE FINANCE DEPARTMENT BE AUTHORIZED TO WRITE OFF 1977 OUTSTANDING TAXES IN THE AMOUNT OF \$23,728.90 VOTE: AFFIRMATIVE ALL.

Alderman Marshall requested that letters be sent to the individuals included on the list notifying them the taxes remain unpaid.

ADOPTION OF BUDGET ORDINANCE AND PAY PLAN FOR FISCAL YEAR 1988-89

The N.C. General Statutes require each local government to operate under a balanced budget ordinance. The Carrboro Town Code requires the Manager to make recommendations to the Board of Aldermen for compensation for employees. Through a series of

worksessions, the Board of Aldermen reviewed in detail these recommendations by the Town Manager in both of these areas.

The administration recommended that the Board of Aldermen consider each of these proposals for adoption.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN MANAGER'S SALARY BE INCREASED BY 10%. VOTE: AFFIRMATIVE ALL.

A straw vote was taken on whether to cut the budget by \$50,000 as outlined by the Town Manager. For: Jay Bryan, Tom Gurganus, Eleanor Kinnaird.

A straw vote was taken on whether to allocate \$37,000 for sidewalks. For: Tom Gurganus, Jay Bryan

A straw vote was taken on whether to allocate \$10,000 for sidewalks. For: Randy Marshall, Eleanor Kinnaird.

A straw vote was taken on whether to make outright purchases versus lease purchases. For: Tom Gurganus.

A straw vote was taken on whether to fully fund the Child Care Network. For: Jay Bryan

A straw vote was taken on whether to allocate \$2,000 for the Teen Center. For: Frances Shetley, Judith Wegner.

A straw vote was taken on whether to fully fund the Dispute Settlement Center, the Rape Crisis Center, the IFC Shelter Program, and the Volunteers for Youth. For: Randy Marshall, Judith Wegner.

A straw vote was taken on whether to fully fund the express bus service. For: Eleanor Kinnaird, Frances Shetley, Judith Wegner.

A straw vote was taken on whether to transfer \$5,000 from the General Fund to partially fund the express bus service and that contributions be accepted for the remaining funds. For: Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner.

A straw vote was taken on whether to add \$2,000 from the Cemetary Fund to the \$5,000 from the General Fund for the express bus service. For: Eleanor Kinnaird, Frances Shetley, Judith Wegner.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JUDITH WEGNER THAT \$5,000 BE TRANSFERRED FROM THE GENERAL FUND FOR EXPRESS BUS SERVICE AND THAT A COMMITTEE BE FORMED TO APPROACH PLANTATION PLAZA AND RAMSGATE APARTMENTS FOR THE DONATION OF THE REMAINING FUNDS. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GURGANUS), ABSTENTION ONE (BRYAN).

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE BOARD ADOPT THE MANAGER'S RECOMMENDED BUDGET, WITH THE ADDITION OF \$5,000 TO BE TRANSFERRED FROM THE GENERAL FUND FOR EXPRESS BUS SERVICE, AND THAT THE REMAINING \$6,340 REQUIRED FOR THE EXPRESS BUS SERVICE COME FROM PRIVATE DONATIONS. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Judith Wegner.

A RESOLUTION ADOPTING THE CLASSIFICATION AND
PAY PLAN FOR FISCAL YEAR 1988-89
Resolution No. 61/87-88

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

WHEREAS, the town staff has prepared the 1988-89 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 1988 - June 30, 1989, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 1988-89 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 upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of June, 1988:

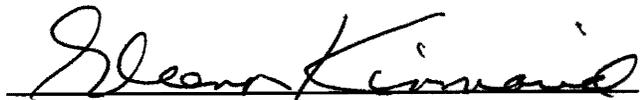
Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan

Noes: None

Absent or Excused: None

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


Deputy Town Clerk


Mayor