

A regular meeting of the Carrboro Board of Aldermen was held on July 19, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor
Aldermen

Eleanor Kinnaird
Tom Gurganus
Hilliard Caldwell
Frances Shetley
Judith Wegner
Jay Bryan
Bob Morgan
Larry Gibson
Michael B. Brough

Town Manager
Deputy Town Clerk
Town Attorney

Absent:

Alderman

Randy Marshall

APPROVAL OF MINUTES OF PREVIOUS MEETINGS: JUNE 21 AND JULY 12, 1988

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE MINUTES OF THE JUNE 21 AND JULY 12, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL.

CHARGE ISSUED TO BOARD APPOINTEE

The Deputy Town Clerk issued a "charge" to Henry Anderson, a recent appointee to the OWASA Board.

REQUEST FROM CITIZEN/LAND USE ORDINANCE AMENDMENT

Sherry Onjes requested that the Board amend the Ordinance to allow flat top roofs in a B-2 zone.

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT

Board set public hearing for August 23, 1988 to hear amendment to Land Use Ordinance to provide for flexibility in the B-2 definition.

PRESENTATION BY HYCONEECHEE REGIONAL LIBRARY

Nancy Massey from the Hyconeechee Regional Library presented a proposal to locate a public library in the Town of Carrboro.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY FRANCES SHETLEY EXPRESSING INTEREST THAT THE TOWN OF CARRBORO HAS IN EXPLORING THE CONCEPT OF ESTABLISHING A CARRBORO BRANCH LIBRARY IN CONJUNCTION WITH THE ORANGE COUNTY PUBLIC AND HYCONEECHEE REGIONAL LIBRARIES, AND REQUESTS THAT STAFF PROCEED WITH THIS INTEREST. VOTE: AFFIRMATIVE ALL.

REQUEST TO SET UP CITIZENS TASK FORCE

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT A TASK FORCE OF CARRBORO CITIZENS BE SET UP TO REVIEW ALL CAPITAL IMPROVEMENT PROJECTS AND THAT THE TASK FORCE PRIORITIZE THESE IMPROVEMENTS. VOTE: AFFIRMATIVE ALL.

REQUEST FOR FINAL PLAT APPROVAL/COBBLESTONE, PHASE III

Allenton Realty has applied for final plat approval for the final section of the Cobblestone Subdivision (Phases 5 and 6), which is located on the north side of Hillsborough Road. The parcel is identified as Tax Map 108, Block A, Lots 8 and 8A and is zoned R-20.

Helen Waldrop, the Town's zoning Administrator presented information to the Board concerning the Cobblestone subdivision. Ms. Waldrop requested that one condition be added to the Staff's recommendations, and that the recommendation read as follows: That the applicant submit a deed transferring the required open space to the homeowners association, and that deed be reviewed and approved by the Town's Attorney prior to the issuance of any building permits for phases five and six of the Cobblestone subdivision.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT FINAL PLAT APPROVAL BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) That the applicant inform each buyer, within a reasonable time prior to closing, of the proposed schedule for completion of all incomplete site improvements.
- 2) That performance security in the amount of \$116,486.25 be provided prior to the signing of the plat by the Town.
- 3) That the applicant record a deed transferring the required open space to the Homeowner's Association prior to the issuance of any building permits for phases five and six.

VOTE: AFFIRMATIVE ALL

REQUEST FOR FINAL PLAT APPROVAL/CHESWICK

Southeast Development and Construction has applied for final plat approval of the Cheswick Subdivision, which is located east of High Street and West of Main Street. The parcel is identified as Tax Map 103, Block A, Lots 6 and 33A and is zoned R-10.

Helen Waldrop, the Town's Zoning Administrator, presented information concerning the Cheswick subdivision. Ms. Waldrop requested that one condition be added to the staff's recommendations and that the condition read as follows: That the existing 20' pedestrian easement shall be shown on the plat as well as the pedestrian path.

Michael Brough, the Town's Attorney, explained staff condition number two. He requested that the condition read as follows: That a performance security be provided for incomplete items prior to the signing of the plat by the Town. The amount of the bond shall meet the approval of the Town Engineer and the Public Works Director.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT FINAL PLAT APPROVAL BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) That the applicant inform each buyer, within a reasonable time prior to closing, of the proposed schedule for completion of all incomplete site improvements.
- 2) That a performance security be provided for incomplete items prior to the signing of the plat by the Town. The amount of the bond shall meet the approval of the Town Engineer and the Public Works Director.
- 3) That the existing 20' pedestrian easement shall be shown on the plat as well as the pedestrian path.

VOTE: AFFIRMATIVE ALL

REQUEST FOR CONDITIONAL USE PERMIT MODIFICATION/FAIROAKS

Westminster Company has applied for a conditional use permit amendment that would allow conversion of several duplex lots to single-family lots and to rephase the development. The parcel is identified as Tax Map 108, Lots 9 and 9A and is zoned R-15 and R-SIR. The development is located on the north side of Hillsborough Road.

Helen Waldrop, the Town's Zoning Administrator, presented site plan and explanation of the rephasing.

Jim Dunlop, the Town's Transportation Planner, explained the Transportation Advisory Committee's recommendation number 14.

Alderman Frances Shetley requested that "Road may continue" signs be posted on Pathway Drive and Tripp Farm Road in the Fair Oaks subdivision.

Steve Oglesbee, Chair of the Transportation Advisory Committee, spoke on the TAB recommendation number 14.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board had not discussed the TAB recommendation number 14.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE BOARD OF ALDERMEN APPROVE THE CONDITIONAL USE PERMIT AMENDMENTS WITH THE FOLLOWING CONDITIONS:

1. That the following conditions are deleted from the permit:

14) That the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in the Spring Valley Subdivision by the time certificates of occupancy are issued for the last building in Phase 6 if Pathway Drive has been extended from the Spring Valley Subdivision across the Goforth property and is connected with the developed or undeveloped portion of Bolin Forest. If by Phase 6 these other improvements have not taken place, then the connection of Pathway Drive by Fair Oaks should be temporarily barricaded until such time as they are made but that the connection should be made no later than the final phase.

16) That the existing Hillsborough Road west of the proposed entrance road be improved in accordance with the staff's proposal for improvements to this intersection by both Cobblestone and Fair Oaks developments. And that if the Cobblestone development has not made its share of these improvements by Phase 6 of Fair Oaks, the developer of Fair Oaks shall complete all improvements on Hillsborough Road west of the proposed entrance road by the completion of Phase 6.

PLEASE NOTE: Also deleted are the following conditions taken from the May 26, 1987 conditional use permit amendment:

1) The developer shall make a payment in lieu of recreation facilities in accordance with section 15-203 of the Land Use Ordinance. Payment shall be made on a phase-by-phase basis, with payment for each phase paid prior to the issuance of the last occupancy permit for such phase. The payment amount for each phase shall be determined by multiplying 3.47 recreation points by the number of units in that phase time the dollar value per point established by the miscellaneous fees and charges schedule that is in effect at the time the payment is made.

2) By acceptance of this permit modification, the developer acknowledges that payments will be made as set forth in the previous condition, and that payment of such fees in lieu of recreation facilities does not impose on the town an obligation that the town construct with those funds any specific facilities within a particular park or area or within a given time frame, or impose on the town any other obligations beyond those mandated by the Carrboro Land Use Ordinance or other provisions of the law.

2) The following conditions are added to the permit:

14) That the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in the Spring Valley Subdivision prior to final plat approval for Phase 4. A temporary barricade shall be placed at the end of the new Pathway Drive segment on the Fair Oaks property until either 80% of all certificates of occupancy are issued for the Fair Oaks subdivision, or the Quarterpath Trace and Bolin Forest segments of Pathway Drive are completed, whichever occurs first. All construction traffic shall be routed by the developer on Parkview Avenue for the entire project.

16) That the proposed improvements to Hillsborough Rd. at the southeast end of the Cobblestone/Fairoaks entranceway shall be completed prior to final plat approval for Phase 4.

17) That in accordance with section 15-203 of the Land Use Ordinance, the developer shall make payment in lieu for recreation facilities for all previously recorded phases of the development prior to final plat approval for Phase 1C. The payment amount shall be determined by multiplying 3.76 recreation points by the number of units in the phases times the dollar value per point established by the miscellaneous fees and charges schedule that is in effect at the time the payment is made.

18) That the developer shall make a payment in lieu for recreation facilities prior to final plat approval for all future phases of the development. The payment amount shall be determined in the manner stipulated in condition #17, and shall be made on a phase-by-phase basis.

19) By acceptance of this permit modification, the developer acknowledges that payments will be made as set forth in the previous two conditions, and that payment of such fees in lieu of recreation facilities does not impose on the Town an obligation that the Town construct with those funds any specific facilities within a particular park or area or within a given time frame, or impose on the Town any other obligations beyond those mandated by the Carrboro Land Use Ordinance or other provisions of the law.

VOTE: AFFIRMATIVE ALL

REPORT FROM CABLE T.V. COMMITTEE

Barry Yeager, Chair of the Cable T.V. Committee, presented a report on the activities of the committee. Mr. Yeager stated that in the past year the cable service had expanded from 11 channels to its present 28 channels. Mr. Yeager also spoke on the new programs offered, the availability of remote control boxes, and cable ready Showtime. He said that HBO would become cable ready in late August. Mr. Yeager offered his thanks to each of the committee members for their hard work and to Mr. Doug Keel, the Manager of Alert Cable, for his quick response to the committee's suggestions.

REPORT FROM PLANNING BOARD

Robin Lackey, Chair of the Planning Board, presented a summary of the Board's activities. Ms. Lackey stated that the Planning Board had looked at several issues during the past year including affordable housing and protection of the watershed.

JOINT WORKSESSION WITH PLANNING BOARD TO DISCUSS A LOCAL ENVIRONMENTAL IMPACT ORDINANCE

The Board of Aldermen received staff presentation and discussed the concept with the Planning Board. The Board of Aldermen suggested that no action be taken until the 2000 Task Force Policies, OWASA Watershed Study and Natural Constraints System Report are completed.

PLANTATION PLAZA BUS SERVICE

Mr. Morgan stated that the Town had received full funding for the Plantation Plaza express bus service.

It was the general consensus of the Board that the administration prepare a budget amendment to reflect the decrease for the University's portion of the service.

LOCAL MAINTENANCE OF TRAFFIC CONTROL DEVICES

Jim Dunlop, the Town's Transportation Planner, presented information on the maintenance of traffic control devices and answered the Board's questions.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY FRANCES SHETLEY THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF CHAPEL HILL TO PROVIDE LOCAL MAINTENANCE OF STATE TRAFFIC CONTROL DEVICES. IN ADDITION, THE BOARD AUTHORIZED THE ADMINISTRATION TO PROCEED WITH THE \$1500.00 EXPENDITURE FOR THE TOWN'S PORTION OF THE MAINTENANCE. VOTE: AFFIRMATIVE ALL.

CERTIFICATION OF FIRE DEPARTMENT MEMBERS

G.S. 118-30 requires that all fire departments certify annually to the N.C. Firemen's Pension Fund a complete roster of its members who have completed at least 36 hours of training per year.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE ROSTER BE CERTIFIED AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

AWARD OF BIDS FOR TRACTOR BACKHOE/LOADER AND FRONT LOADING DUMPSTER TRUCK

Tim Blake, the Town's Purchasing Technician, stated that the Board had approved in the 1988-89 Budget the lease/purchase of a tractor backhoe/loader and a front loading dumpster truck. Bids were advertised and received for this equipment.

Mr. Blake stated that the administration recommended that the Board of Aldermen award the contract for the tractor backhoe to Case Power and Equipment for a total cost of \$28,623.63, and award the contract for the front loading dumpster truck to Lodal South, Inc. for a total cost of \$101,270.00. In addition, Mr. Blake requested authorization to negotiate with various leasing companies for a 3-year lease/purchase contract for the purchase of the tractor backhoe, and a 4-year lease/purchase contract for the purchase of the front loading dumpster truck.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE CONTRACT FOR THE TRACTOR BACKHOE BE AWARDED TO CASE POWER AND EQUIPMENT FOR A TOTAL COST OF \$28,623.63, AND THAT THE CONTRACT FOR THE FRONT LOADING DUMPSTER BE AWARDED TO LODAL SOUTH, INC. FOR A TOTAL COST OF \$101,270.00. IN ADDITION, THE BOARD AUTHORIZED THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH LEASING COMPANIES FOR THE LEASE/PURCHASE OF THESE VEHICLES. VOTE: AFFIRMATIVE ALL.

STREETSCAPE DESIGN HANDBOOK

Three firms have submitted proposals for the development of a Streetscape Design Handbook. All three of the proposals exceeded the budgeted amount of \$3,000. The administration recommends that each firm be consulted to determine if decreasing the scope of services required would adequately decrease the project's cost. If the cost cannot be reduced without jeopardizing the project's quality, the administration would recommend evaluating the town's overall budget in March, 1989 for funding availability. If funding is not available, the administration would recommend that the project not be undertaken until adequate funding is available.

It was the consensus of the Board that this item be tabled at this time.

BUDGET ORDINANCE AMENDMENT

Larry Gibson, the assistant Town Manager, stated that the budget for 1988-89 includes funds in a reserve account to cover the 5% across-the-board market adjustment approved by the Board of Aldermen. Mr. Gibson requested that the Board adopt a budget amendment to allow transfer of these funds from the reserve to the various departments.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING FY '88-89 BUDGET ORDINANCE" BE ADOPTED AS PROPOSED. VOTE: AFFIRMATIVE ALL.

MISCELLANEOUS FEES AND CHARGES SCHEDULE

Larry Gibson, the Assistant Town Manager, presented a revised Miscellaneous Fees and Charges schedule to the Board of Aldermen, containing a listing of all items for which a special fee or charge is levied. Mr. Gibson stated that the administration recommended the adoption of the fee schedule for FY'88-89.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE MISCELLANEOUS FEES AND CHARGES SCHEDULE BE ADOPTED. VOTE: AFFIRMATIVE ALL.

YAGGY PROPERTY LEASE AGREEMENT

Mr. Morgan stated that the Town has the opportunity to enter into a four year lease for the "Yaggy" property which is a parking lot located near the intersection of Main and Robeson Streets.

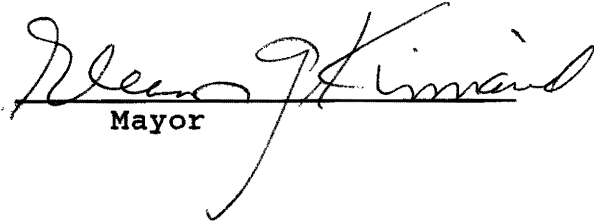
MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER IN LEASE NEGOTIATIONS WITH MR. YAGGY. VOTE: AFFIRMATIVE ALL.

The Board went into executive session to discuss a matter involving potential litigation.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO A RETIREMENT AGREEMENT WITH EDDIE DURHAM. IN ADDITION, THE BOARD ADOPTED A ORDINANCE ENTITLED "AN ORDINANCE AMENDING FY '88-89 BUDGET ORDINANCE" TRANSFERRING \$1,870 FROM THE CONTINGENCY FUND TO THE GENERAL PUBLIC WORKS-LANDSCAPING AND GROUNDS-RETIREMENT FUND. VOTE: AFFIRMATIVE ALL.

Being no further business, the meeting was adjourned.


Deputy Town Clerk


Mayor