

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 21, 1989 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 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 TOM GURGANUS THAT THE MINUTES OF MARCH 14, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATIONS ISSUED

Mayor Kinnaird issued proclamations proclaiming March 30th as Arbor Day and the month of March as Mental Retardation Month.

CONSIDERATION OF SETTING A PUBLIC HEARING FOR THE AMBERLY CONDITIONAL USE PERMIT MODIFICATION REQUEST

On February 6, 1989, the town received a request from Adaron for a minor modification to the Amberly conditional use permit. As part of the staff's review, the zoning administrator has determined that the changes proposed constitute a minor modification to the conditional use permit issued on July 28, 1987.

Roy Williford, Planning Director, stated that the administration requested the Board of Aldermen consider and determine if a public hearing will be conducted as part of the Amberly permit modification process. Mr. Williford stated that the administration also requested the Board to indicate if it wished to select a hearing date which follows the date on which the Division of Environmental Management's decision to issue a wastewater treatment permit is made.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT ACTION ON THIS MATTER BE DEFERRED UNTIL A RESPONSE IS RECEIVED BY THE TOWN FROM THE DIVISION OF ENVIRONMENTAL MANAGEMENT. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT CREATING NEW OVERLAY ZONES AND HISTORIC AND PRESERVATION COMMISSIONS

Through the efforts of the Historic Preservation Task Force, the town has been working on the creation of an historic district and neighborhood preservation district. A new section of the Land Use Ordinance has been drafted which would create the historic district and neighborhood preservation district.

The administration recommended that a public hearing be set for April 4, 1989 to receive citizen comments on the proposed changes to the Land Use Ordinance creating new overlay zones and an historic district and neighborhood preservation district.

Action on this matter was delayed.

PUBLIC HEARING/1989 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

James Harris, Special Projects Coordinator, stated that as required by the Community Development Block Grant Guidelines, the town was holding one of the two required public hearings to receive perceived citizen housing, sewer, and street improvement needs within the Davie Road community target area. Citizen comments and perceived needs will be incorporated into the grant application.

There was a show of hands from the audience of approximately 7 individuals reflecting support of the proposed application. (Mr. Harris stated that he had spoken with the individuals present at the meeting and had obtained comments about what they would like to have included in the application.)

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

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE COMMENTS RELAYED TO THE SPECIAL PROJECTS COORDINATOR BE REFLECTED IN THE A P P L I C A T I O N FOR COMMUNITY DEVELOPMENT FUNDS. VOTE: AFFIRMATIVE ALL

APPLICATION SUBMITTAL FOR 1989 RENTAL REHABILITATION AND EMERGENCY SHELTER GRANT FUNDS

James Harris, Special Projects Coordinator, stated that the town staff requested permission to apply for a \$50,000 Emergency Shelter Grant to continue the town support of the Interfaith Council Homeless Shelter. These funds will be used to assist with the operation of the shelter. Mr. Harris stated that the town staff also requested authorization to apply for a \$75,000 Rental Rehabilitation Grant to continue the town's effort to maintain an affordable rental housing stock for low and moderate income individuals and families.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE TOWN STAFF BE AUTHORIZED TO SUBMIT AN APPLICATION FOR AN EMERGENCY SHELTER GRANT IN THE AMOUNT OF \$50,000, AND AN APPLICATION IN THE AMOUNT OF \$75,000 FOR A RENTAL REHABILITATION GRANT. VOTE: AFFIRMATIVE ALL

TREE PROTECTION ORDINANCE

Ann Weeks, Senior Planner, stated that on December 6, 1988, the Board of Aldermen held a public hearing on proposed changes to the town's Land Use Ordinance dealing with the protection of large trees during construction activity. The Board closed the public hearing and referred the public comments received to the town staff for further research and revision of the ordinance where that appeared appropriate.

Ms. Weeks presented a revised ordinance, which was recommended for adoption by the town staff and Planning Board.

Robin Lackey, Chair of the Planning Board, stated that one member of the Planning Board (Charles Riggsbee) had voted against the proposed ordinance because he felt the provisions of this ordinance will increase the cost of housing.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CARRBORO LAND USE ORDINANCE DEALING WITH THE PRESERVATION AND PROTECTION OF LARGE TREES," BE ADOPTED WITH THE FOLLOWING AMENDMENTS: THAT THE WORDS "PATH OF CONSTRUCTION" BE REPLACED WITH THE PHRASE "AREA TO BE DISTURBED BY CONSTRUCTION ACTIVITY" THROUGHOUT THE ORDINANCE, AND THAT THE WORD

"UNDERTAKEN" BE REPLACED WITH THE WORD "ARRANGED" IN SUBSECTION (B) OF SECTION 9. VOTE: AFFIRMATIVE ALL

AN ORDINANCE AMENDING THE TOWN CODE TO CONFORM WITH THE TOWN CHARTER

In its 1987 legislative session, the General Assembly ratified a bill that rewrote the Charter of the Town of Carrboro. Several provisions of the organization and administration sections of the Charter differ from the previous Town Charter. As a result, several sections of the Carrboro Town Code are no longer in compliance with the Town Charter. An ordinance which would conform the sections of the Town Code addressed in the ordinance to the current Town Charter was presented.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE TO AMEND THE TOWN CODE TO CONFORM WITH THE TOWN CHARTER," BE ADOPTED. VOTE: AFFIRMATIVE ALL

AMENDMENT TO MISCELLANEOUS FEES AND CHARGES SCHEDULE

The Miscellaneous Fees and Charges Schedule adopted on July 19, 1988, inadvertently excluded the additional 25% fee for construction permits issued outside of Carrboro's town limits. The traditional out-of-town fee was omitted from the fee schedule primarily as a result of the complete restructuring of the previous construction permit fee schedule.

Mr. Morgan requested that action on this matter be deferred at this time and be considered in connection with the 1989-90 budget discussions.

REQUEST TO AMEND THE JOINT PLANNING AREA LAND USE PLAN TO THE 400-FOOT RURAL BUFFER ADJACENT TO DUKE FOREST

Roy Williford, Planning Director, stated that since the Joint Planning Area Agreement became effective on November 14, 1988, the Town of Carrboro has encountered difficulty in the administration of the Land Use Ordinance for those properties divided by the 400-foot rural buffer. In reviewing possible solutions to this problem, the most effective solution is to remove the 400-foot rural buffer designation, thereby maintaining properties wholly within Carrboro's jurisdiction.

Mr. Williford stated that the administration recommended that the Board of Aldermen request Orange County to schedule and advertise the following for the upcoming April 6, 1989 Joint Planning public hearing:

- a. A Joint Planning Land Use Plan amendment to remove the 400-foot rural buffer adjacent to the Duke Forest "Blackwood Division" property bounded to the south by Carrboro's Transition Area II and to designate such area as Transition Area II.
- b. An amendment to the Carrboro Zoning Map to zone the portion of the Transition Area II expanded by the removal of the 400-foot rural buffer adjacent to Duke Forest as Rural Residential (R-R).

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT ORANGE COUNTY BE REQUESTED TO SCHEDULE AND ADVERTISE THE TWO ISSUES REQUESTED BY THE TOWN STAFF. VOTE: AFFIRMATIVE ALL

NEW POSTAL SITE

Mr. Morgan informed the Board that the town staff had received an offer from the U.S. Postal Service for the purchase of two acres of the Westwood Cemetery property on which to locate the new post office. Mr. Morgan stated that the Postal Service wishes to purchase a 30-foot easement to provide from Davie Road to the new post office site. Mr. Morgan informed the Board that this matter would be referred to the Cemetery Commission for its review and would then be brought to the Board of Aldermen for its consideration.

TOWN COMMONS PROJECT

Aldermen Shetley presented a proposed budget amendment transferring \$2,175 from the Town Commons revenue account to the Town Commons Task Force for expenses related to fund raising and redesign of the Town Commons project.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'88-89 BUDGET ORDINANCE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL THAT THE TOWN COMMIT ITSELF TO CONSTRUCTION THE FARMERS' MARKET SHELTERS AND BANDSTAND AT SUCH TIME THAT SUFFICIENT PRIVATE FUNDS ARE RAISED. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE TOWN STAFF AND ATTORNEY REVIEW THE FUND RAISING BROCHURE AND ANY OTHER COMMENTS THE BOARD MAY HAVE AND BRING THE BROCHURE BACK TO THE BOARD OF ALDERMEN ON MARCH 28, 1989. THAT ALDERMAN BRYAN WORK WITH MAYOR KINNAIRD, THE TOWN MANAGER, ATTORNEY AND SPECIAL PROJECTS COORDINATOR ON A LIST OF ISSUES THAT NEED TO BE RESOLVED BEFORE FINAL APPROVAL OF THE TOWN COMMONS PROJECT ALONG WITH SUGGESTIONS ON HOW TO RESOLVE THOSE ISSUES, INCLUDING REVIEW OF OTHER GROUP'S BROCHURES ON SIMILAR PROJECTS. AND, THAT THIS REPORT BE BROUGHT BACK TO THE BOARD OF ALDERMEN WITHIN ONE MONTH. VOTE: AFFIRMATIVE ALL

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

Sarah C. Williamson
Town Clerk

Debra J. Kinnaird
Mayor