

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 28, 1989 at 7:30 p.m. in the Board Room of Town Hall.

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 Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF MARCH 21, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

RESOLUTION OF APPRECIATION/DUKE POWER COMPANY

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Jay Bryan.

A RESOLUTION EXPRESSING THE TOWN OF CARRBORO'S
 APPRECIATION TO DUKE POWER COMPANY
 FOR DONATING TREES TO THE TOWN
 Resolution No. 38/88-89

WHEREAS, Duke Power Company has generously donated to the Town of Carrboro crepe myrtle trees to aid in the beautification of the entranceways of Carrboro; and

WHEREAS, these trees have been planted at the entranceway sign located on Estes Drive Extension.

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 Duke Power Company for its generous donation to the Town.

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

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 28th day of March 1989:

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

Noes: None

Absent or Excused: None

PROCLAMATION ISSUED

Mayor Kinnaird issued a proclamation proclaiming the week of April 7-14, 1989 as Community Investment Week in Carrboro.

REQUEST TO RECONSIDER SETTING A PUBLIC HEARING ON THE AMBERLY CONDITIONAL USE PERMIT MODIFICATION

Bill Spang, partner to Phil Szostak, requested that the Board reconsider its decision concerning the conditional use permit modification requested for the Amberly Subdivision and set the public hearing date at this time rather than waiting until the Division of Environmental Management permit is issued. Mr. Spang stated that for the Board to delay setting this public hearing will strain the remaining schedule necessary to begin the Amberly project prior to the expiration of the conditional use permit. Mr. Spang also requested that the Board authorize the town staff to release the engineering drawings to the town's engineer for review and approval of Phase I.

Phil Szostak stated that the court case had held his project up for six months. Mr. Szostak reiterated Mr. Spang's request to authorize the town staff to release the engineering drawings to the town's engineer for review.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT ACTION ON THIS MATTER BE DEFERRED UNTIL THE NEXT MEETING FOLLOWING SUBMISSION OF THE REPORT FROM D.E.M GRANTING OR DENYING THE PERMIT. VOTE: AFFIRMATIVE SIX, ABSTENTION ONE (CALDWELL)

REQUEST FOR REZONING/CLIFTON PENDERGRASS PROPERTY

David Bell, owner of property on Smith Level Road, requested that the Board consider rezoning the property on which the Circle K convenience store was to be located in the vicinity of Smith Level Road and Rock Haven Road to residential. Mr. Bell stated that a residential zone of this property would be more compatible with surrounding properties.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JUDITH WEGNER THAT THE TOWN STAFF AND PLANNING BOARD REVIEW THIS PROPERTY FOR POSSIBLE REZONING TO RESIDENTIAL. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GURGANUS)

REQUEST TO EXPEDITE THE CONDITIONAL USE PERMIT REQUEST/PTA THRIFT SHOP

Sara Hammon, Co-Chair of the PTA Board, requested that the Board consider expediting the PTA Thrift Shop's request for a conditional use permit to expand the Thrift Shop on Jones Ferry Road. Ms. Hammon stated that they were under the impression that their request would be considered by the Planning Board in March but that it was not.

Mr. Morgan stated that he would bring back a report to the Board on April 4, 1989 on the status of this request.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO PERMIT HOME OCCUPATIONS IN THE CORPORATE TOWN ZONE

On February 21, 1989, a citizen requested that the town consider an amendment to the Land Use Ordinance to permit home occupations in the Corporate Town zone. The staff has reviewed the request and has prepared an ordinance amendment. The administration requested the Board of Aldermen set a public hearing on the proposed amendment for April 11, 1989.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR APRIL 11, 1989. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW COUNTY SETBACKS ON OLD LOTS IN THE TRANSITION AREA THAT ARE CURRENTLY ZONED R-20

As a result of the implementation of the Joint Planning Agreement, certain areas that were subject to the building setback requirements of the Orange County Zoning Ordinance were rezoned to R-20 and made subject to the R-20 setback requirements. These more stringent setbacks have created hardships on some lots that were planned and created in anticipation of the County setbacks. The staff has prepared an amendment to the Land Use Ordinance in order to alleviate this difficulty. The administration recommended that a public hearing be set for April 25, 1989 on the proposed amendment.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR APRIL 25, 1989. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/SOUTHERN STATES

Helen Waldrop, Zoning Administrator, was sworn in. Ms. Waldrop stated that V.J. Bailey for Southern States, had applied for a conditional use permit that would allow the construction of a garden center and paved parking lot at 300 N. Greensboro Street. The parcel is identified as Tax Map 93, Block A, Lots 10,11,12,13 and 15. Ms. Waldrop presented the proposed site plan. Ms. Waldrop stated that the Appearance Commission recommended approval of the conditional use permit, as submitted.

Jim Dunlop, Transportation Planner, was sworn in. Mr. Dunlop stated that the Transportation Advisory Board recommended approval of the conditional use permit with the condition that the applicant provide a pedestrian walkway from Greensboro Street to the existing retail store along the wrought iron gate shown on the preliminary plans.

Robin Lackey, Planning Board Chair, was sworn in. Ms. Lackey stated that the Planning Board recommended approval of the conditional use permit with the following conditions: (i) due to the close proximity of residential uses to the lighted parking area, the proposed pole lights shall not be in operation between the hours of 10 p.m. and 6 a.m.; (ii) the lighting for the nursery shall be allowed all night; and (iii) the stormwater management system shall be approved by the Town Engineer prior to construction plan approval.

Phil Post, representing Southern States, was sworn in. Mr. Post explained the fencing being removed and installed, stated that the current traffic patterns will be preserved, and that employees could turn the lights off after the store closes at 9:00 p.m.

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

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

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

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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. Due to the close proximity of residential uses to the lighted parking area, the proposed pole lights shall not be in operation between the hours of 10:00 p.m. and 6:00 a.m.
4. The lighting for the nursery shall be allowed all night.
5. The stormwater management system shall be approved by the town engineer prior to construction plan approval.
6. That the applicant provide a pedestrian walkway from Greensboro Street to the existing retail store along the wrought iron gate shown on the preliminary plans.
7. That a caution sign be installed at the intersection of the Southern States driveway and Parker Street.

VOTE: AFFIRMATIVE ALL

1989-90 TRANSPORTATION IMPROVEMENTS PROGRAM PRIORITY LIST

Each year, the N.C. Department of Transportation solicits proposals for highway improvements from jurisdictions throughout the state for inclusion in the state's Transportation Improvements Program. Attached is a priority list of highway projects needed for Carrboro.

Jim Dunlop, Transportation Planner, stated that the administration recommended approval of the priority list of highway projects in Carrboro for inclusion in the State's Transportation Improvement Program. Mr. Dunlop stated that the Transportation Advisory Board recommended approval of the 1989-90 Transportation Improvements Program as in the 1988-89 TIP, with the following changes: (i) Project #3 under Urban to read "Implementation of the Carrboro Comprehensive Downtown Traffic Circulation Plan, as presented by the Carrboro Transportation Advisory Board in December, 1988;" (ii) Project #2 under Secondary be split so that widening Smith Level to five lanes between NC 54 and Rock Haven Road be #2, and widening Smith Level Road to four lanes between Rock Haven Road and US 15-501 become a new project, #4; and (iii) a second project under Bicycles be included to request a bike path between Jones Ferry Road and Carr Street next the PTA Thrift Shop. Mr. Dunlop requested authorization for the town staff to forward this list to the regional Transportation Advisory Committee and N.C. Board of Transportation for their review.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JUDITH WEGNER THAT THE 1989-90 TIP BE ADOPTED, REMOVING THE SECOND SENTENCE OF URBAN #5 AND REMOVING #2 UNDER STATE SECONDARY (WIDEN SMITH LEVEL ROAD TO FOUR LANES FROM ROCK HAVEN ROAD TO US 15-501). VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GURGANUS)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT #3 UNDER URBAN (WIDEN ESTES DRIVE TO THREE LANES FROM THE CARRBORO TOWN LIMITS TO NORTH GREENSBORO STREET, AND INCLUDE BIKE LANES) BE REMOVED. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, KINNAIRD, WEGNER)

AMENDMENTS TO JOINT PLANNING LAND USE PLAN MAP

Ann Weeks, Senior Planner, stated that Orange County had received two Joint Planning Land Use Plan Map amendment requests to be heard at the joint planning public hearing on April 6, 1989. Ms. Weeks stated that the Town of Carrboro has requested a map amendment to remove the 400-foot Rural Buffer from properties in Transition Area II that are located below Duke Forest and that that area be designated as Transition Area II. The other two matters include a request by Cazwell Development, Inc. for a County Residential Transition designation on 1.45 acres in Orange County at the Durham County line, and a request by Envirotek for an Agricultural Residential designation on two tracts and a Commercial Transition Activity node on 16 tracts located in the northwest and southwest quadrants of the I-40 and New Hope Church Road intersection and totalling 424.4 acres.

These amendments were presented to the Board for information.

TOWN COMMONS FUND-RAISING BROCHURE

The Board of Aldermen at its meeting on March 21, 1989, reviewed the proposed fund-raising brochure for the Town Commons project. At that meeting, the Town Attorney expressed concern that the brochure did not state specifically for what purpose the funds being solicited would be used. The Board of Aldermen set up a committee of town staff members, Mayor Kinnaird and Alderman Bryan to revise the brochure to alleviate the concerns of the Town Attorney.

It was requested that action on this matter be delayed until April 4, 1989.

APPOINTMENT TO APPEARANCE COMMISSION

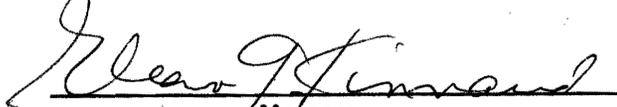
Dan Leonard, Chair of the Appearance Commission, requested the appointment of Don Hanks to one of the four vacant seats on the Appearance Commission.

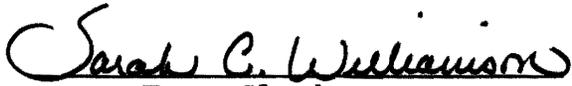
MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT DON HANKS BE APPOINTED TO THE APPEARANCE COMMISSION. VOTE: AFFIRMATIVE ALL

NEW POST OFFICE

It was the consensus of the Board to have Aldermen Marshall and Gurganus and members of the town staff meet with Postal Service representatives to discuss postal sites in Carrboro.

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


Mayor


Town Clerk