

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 25, 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 Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF APRIL 18, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

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CERTIFICATE OF APPRECIATION/STEVE CHANDLER

The Mayor presented a certificate of appreciation to Steve Chandler for his work while serving on the Planning Board.

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REQUEST FROM CITIZEN

Phil Szostak withdrew his request asking the Board of Aldermen to request OWASA to provide water and sewer to the proposed Amberly project.

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REQUEST TO SET PUBLIC HEARING/CDBG APPLICATION

The N.C. Department of Natural Resources and Community Development requires communities to hold two public hearings as part of the Community Development Block Grant application process.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT A PUBLIC HEARING BE SET FOR MAY 9, 1989. VOTE: AFFIRMATIVE ALL

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

Ann Weeks, the Town's Senior Planner, explained the text amendment. Ms. Weeks stated that 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, which were more stringent. Ms. Weeks also stated that these more stringent setbacks have created hardships on some lots that were planned and created in anticipation of the County setbacks.

Robin Lackey, Chairman of the Planning Board, presented the Planning Board's recommendation.

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

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PROVIDE THAT WHEN CARRBORO'S ORDINANCE BECOMES EFFECTIVE IN AREAS FORMERLY SUBJECT TO ORANGE COUNTY'S JURISDICTION, ORANGE COUNTY'S SIDE YARD AND CORNER LOT STREET

SETBACK REQUIREMENTS SHALL REMAIN APPLICABLE TO EXISTING LOTS IN THE R-20 DISTRICT" BE ADOPTED. VOTE: AFFIRMATIVE ALL.

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BOARD CONSIDERATION AND DECISION ON ITEMS PRESENTED AT THE APRIL 06, 1989 JOINT PLANNING PUBLIC HEARING

Ann Weeks, the Town's Senior Planner, stated that there were three resolutions and an Ordinance Amendment before the Board of Aldermen concerning Joint Planning. Ms. Weeks discussed the action taken by the Chapel Hill Council and answered the Board's questions.

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Jay Bryan.

A RESOLUTION OPPOSING LUP-4-89  
A JOINT PLANNING LAND USE PLAN MAP AMENDMENT  
TO CHANGE THE DESIGNATION ON 424 ACRES OF LAND  
ON THE WESTERN SIDE OF THE INTERSECTION OF  
NEW HOPE CHURCH ROAD AND INTERSTATE 40  
FROM RURAL BUFFER TO COMMERCIAL TRANSITION ACTIVITY  
NODE (159) ACRES AND AGRICULTURAL RESIDENTIAL (265 ACRES)  
Resolution No. 46/88-89

WHEREAS, Carrboro, Chapel Hill, and Orange County adopted Joint Planning Agreement and Joint Planning Land Use Plan and Map on November 2, 1987; and

WHEREAS, the Joint Planning Agreement calls for a public hearing to be held jointly by all parties to the Agreement and for all parties to then concur on any changes to be made to the Joint Planning Land Use Plan or Map; and

WHEREAS, the three parties held a Joint Planning Public Hearing on April 6, 1989 to hear several proposed amendment to the Joint Planning Land Use Map; and

WHEREAS, the Carrboro Board of Aldermen opposes the proposed change LUP-4-89, made by Envirotek, Inc.;

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

Section 1. The Board of Aldermen denies the proposed Joint Planning Use Plan Map amendment (number LUP-4-89), to change the designation of approximately 424 acres of land on the western side of the New Hope Church Road and Interstate 40 intersection from Rural Buffer to Commercial Transition Activity Node (159 acres) and Agricultural Residential (265 acres).

Section 2. 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 25th day of April, 1989:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION SUPPORTING LUP-5-89  
 A JOINT PLANNING LAND USE PLAN MAP AMENDMENT  
 TO CHANGE THE DESIGNATION ON 1.45 ACRES OF LAND  
 ON THE EAST SIDE OF KERLEY ROAD  
 AT THE BORDER OF ORANGE AND DURHAM COUNTIES  
 FROM RURAL BUFFER TO TEN YEAR TRANSITION  
 Resolution No. 47/88-89

WHEREAS, Carrboro, Chapel Hill, and Orange County adopted Joint Planning Agreement and Joint Planning Land Use Plan and Map on November 2, 1987; and

WHEREAS, the Joint Planning Agreement calls for a public hearing to be held jointly by all parties to the Agreement and for all parties to then concur on any changes to be made to the Joint Planning Land Use Plan or Map; and

WHEREAS, the three parties held a Joint Planning Public Hearing on April 6, 1989 to hear several proposed amendment to the Joint Planning Land Use Map; and

WHEREAS, the Carrboro Board of Aldermen supports the proposed change LUP-5-89, made by Cazwell, Inc.

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

Section 1. The Board of Aldermen approves the proposed Joint Planning Use Plan Map amendment (number LUP-5-89), to change the designation of approximately 1.45 acres of land on the east side of Kerley Road at the border of Orange County and Durham Counties from Rural Buffer to Ten Year Transition.

Section 2. 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 25th day of April, 1989:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Randy Marshall.

A RESOLUTION SUPPORTING LUP-6-89  
 A JOINT PLANNING LAND USE PLAN MAP AMENDMENT  
 TO CHANGE THE DESIGNATION OF THE 400 FOOT STRIP  
 OF RURAL BUFFER LOCATED BETWEEN CARRBORO'S  
 TRANSITION AREA II AND DUKE FOREST TO  
 TRANSITION AREA II  
 Resolution No. 48/88-89

WHEREAS, Carrboro, Chapel Hill, and Orange County adopted a Joint Planning Agreement and Joint Planning Land Use Plan and Map on November 2, 1987; and

WHEREAS, the Joint Planning Agreement calls for a public hearing to be held jointly by all parties to the Agreement and for all parties to then concur on any changes to be made to the Joint Planning Land Use Plan or Map; and

WHEREAS, the three parties held a Joint Planning Public Hearing on April 6, 1989 to hear several proposed amendment to the Joint Planning Land Use Map; and

WHEREAS, the Carrboro Board of Aldermen supports the proposed change LUP-6-89, made by the Town of Carrboro.

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

Section 1. The Board of Aldermen approves the proposed Joint Planning Use Plan Map amendment (number LUP-6-89), to change the designation of the 400 foot strip of Rural Buffer between Carrboro's Transition Area II and Duke Forest to Transition Area II.

Section 2. 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 25th day of April, 1989:

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

Noes: Eleanor Kinnaird

Absent or Excused: None

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE JOINT PLANNING TRANSITION AREA ZONING OF THE 400 FOOT STRIP OF NEW TRANSITION AREA II CREATED BY LUP-6-89 FROM ORANGE COUNTY RURAL BUFFER TO CARRBORO R-R (RURAL RESIDENTIAL)" BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (BRYAN, KINNAIRD, SHETLEY).

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE PLANNING STAFF PREPARE A TEXT AMENDMENT THAT WOULD ALLOW AN UNDISTURBED SETBACK ON THE DUKE FOREST PROPERTIES, AND THAT THIS AMENDMENT BE PRESENTED TO THE PLANNING BOARD PRIOR TO REVIEW BY THE BOARD OF ALDERMEN. VOTE: AFFIRMATIVE ALL.

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RESOLUTION SUPPORTING SOLID WASTE MANAGEMENT LEGISLATION

The Town Attorney explained the proposed resolution and answered the Board of Alderman's questions.

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Randy Marshall.

A RESOLUTION SUPPORTING SOLID WASTE MANAGEMENT LEGISLATION  
Resolution No. 43/88-89

WHEREAS, the Carrboro Board of Aldermen has sent representatives to participate in the Durham-Orange Counties Regional Solid Waste Task Force; and

WHEREAS, the Board has supported the work of this task force as it explores the two counties' options in managing their solid waste in a responsible manner; and

WHEREAS, the Board has become aware of the complexities facing all communities in this State in managing solid waste.

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

Section 1. The Board endorses and encourages the State's role as an integral and necessary component of any effective solutions to the solid waste management problems.

Section 2. The Board acknowledges the tremendous efforts by the Legislative Research Commission's Study Committee on Solid Waste Management.

Section 3. The Board supports, in concept, those bills submitted by the Study Committee, although may differ in opinion in terms of some specifics of these bills.

Section 4. The Board encourages the enactment of a comprehensive package of legislation, including the continued research by the Study Committee into more in-depth solutions and analysis of solid waste management problems.

Section 5. This resolution shall become effective upon adoption and copies shall be forwarded to the town's legislative delegation. The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of April, 1989:

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

Noes: None

Absent or Excused: None

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PUBLIC HEARING SET/LAND USE ORDINANCE AMENDMENT TO ALLOW BANNERS FOR COMMUNITY-BASED ACTIVITIES

Mr. Morgan requested that the Board set a public hearing for May 9, 1989 to consider an amendment to the land use ordinance to allow banners for community-based activities.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING BE SET FOR MAY 9, 1989. VOTE: AFFIRMATIVE ALL

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IMPACT TAX LEGISLATION

Mike Brough stated that the Orange County Commissioners at its meeting on April 24, 1989, voted to withdraw the bill requesting enactment of the impact tax for Orange County.

It was the consensus of the Board to request that the Mayor discuss this matter with Mayor Howes and Moses Carey.

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SENATE BILL 668/CABLE T.V. SALES TAX

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD OPPOSES SENATE BILL 668. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (KINNAIRD, WEGNER)

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UNC STUDENT GOVERNMENT DELEGATE TO BOARD OF ALDERMEN

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE PRESIDENT OF THE UNC STUDENT GOVERNMENT BE REQUESTED TO DELEGATE A REPRESENTATIVE TO FOLLOW THE ACTION OF THE BOARD OF ALDERMEN AND THAT THIS REPRESENTATIVE APPEAR BEFORE THE BOARD OF ALDERMEN IN THE FALL OF 1989 TO DISCUSS THE STUDENT BODY'S INTERESTS. VOTE: AFFIRMATIVE ALL

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USE OF BANNERS

Mayor Kinnaird stated that she had been asked by downtown business people to revise the town's ordinances to allow the use of banners for advertisement.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE CHAIRS OF THE APPEARANCE COMMISSION AND DOWNTOWN DEVELOPMENT COMMISSION BE REQUESTED TO REVIEW THE CURRENT RESTRICTIONS ON USE OF BANNERS IN TOWN AND PRESENT A JOINT RECOMMENDATION ON THIS MATTER TO THE BOARD. VOTE: AFFIRMATIVE ALL

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

Sarah C. Williamson  
Town Clerk

Dean J. Kinsland  
Mayor