

A regular meeting of the Carrboro Board of Aldermen was held on June 6, 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
Deputy Town Clerk	Beth McFarland
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE MINUTES OF MAY 23, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGES ISSUED TO NEW BOARD APPOINTEES

The Deputy Town Clerk issued "charges" to David Rutter and Mickey Edwards, recent appointees to the Planning Board.

RESOLUTION PRESENTED TO DOUG KEEL

Alderman Caldwell presented Doug Keel with a resolution previously adopted by the Board of Aldermen commending him for his service while serving as Manager of Alert Cable T.V.

REQUEST FOR CLARIFICATION OF RIGHT-OF-WAY FOR CLEO PERRY PROPERTY

Alderman Bryan requested that the town staff determine the amount of right-of-way required along North Greensboro Street and Pine Street for the Cleo Perry property. Alderman Bryan requested that if the staff determines that the right-of-way in addition to that on original plans is required, that an explanation be given for the change. In addition, Alderman Bryan requested that the town staff determine whether the town approved the right-of-way on the Pine Street side.

Chris Peterson stated that N.C. DOT would contact individual property owners directly and have land appraised.

REQUEST FROM SOUTH ORANGE RESCUE SQUAD

Ray DeFriess, with the South Orange Rescue Squad, presented a statement to the Board of Aldermen opposing the imposition of Orange County's proposed fee for emergency medical services.

It was the consensus of the Board to request that the Town Manager prepare a report for the Board's consideration on June 13, 1989 concerning this matter.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CREATE HISTORIC DISTRICT AND NEIGHBORHOOD PRESERVATION DISTRICT OVERLAY ZONES AND TO CREATE HISTORIC DISTRICT AND NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION

The Historic Preservation Task Force has written a new section of the Land Use Ordinance that would create the zoning overlay districts necessary in order to establish an historic district and neighborhood preservation district, create two commissions to review developments in those districts, and make changes to the land use ordinance concerning flag lots.

The administration recommended that a public hearing be set for June 20, 1989 to receive citizen comments on the proposed ordinance.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR JUNE 20, 1989. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/REZONING OF PLANNED INDUSTRIAL DEVELOPMENT LANDS TO R-20

When the Planned Industrial Development zoning district was created in 1982, the Board of Aldermen asked that it be re-evaluated on the basis of its performance. In September, 1988, the planning staff recommended rezoning the current PID zoned lands to R-20.

The administration recommended that a public hearing be set for July 11, 1989 to receive citizen comments on a proposed ordinance rezoning the PID zoned lands to R-20.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT A PUBLIC HEARING BE SET FOR JULY 11, 1989. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO DESCRIBE THE CONSTRUCTION PLAN APPROVAL PROCESS AND TO CLARIFY THE PROCESS FOR TOWN ACCEPTANCE OF OFFERS OF DEDICATION OF STREETS, SIDEWALKS AND OTHER PUBLIC FACILITIES

Ann Weeks, the town's Senior Planner, stated that as a result of the ongoing process of revising Appendix C of the Land Use Ordinance, the town staff has indicated a need to clarify the text of the Land Use Ordinance dealing with the construction plan approval process and procedures for the acceptance of new streets and other public facilities by the town. Ms. Weeks presented an ordinance amendment that would set out the construction plan approval process as part of the Land Use Ordinance text.

Ms. Weeks stated that the administration and Planning Board recommended that the Board of Aldermen adopt the proposed ordinance.

Mike Brough made amendments to Section 1 and Section 4 of the ordinance.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING ARTICLE IV OF THE CARRBORO LAND USE ORDINANCE (PERMITS AND FINAL PLAT APPROVAL) TO DESCRIBE THE CONSTRUCTION DRAWING APPROVAL PROCESS AND CLARIFY THE PROCESS FOR TOWN ACCEPTANCE OF OFFERS OF DEDICATION OF STREETS, SIDEWALKS, PARKS, OR OTHER PUBLIC FACILITIES SHOWN ON A PLAT," BE ADOPTED AS AMENDED BY THE TOWN ATTORNEY. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT RELATING TO
ADMINISTRATION OF REQUESTS FOR MINOR DESIGN MODIFICATIONS OR
CHANGES IN ZONING, SPECIAL USE OR CONDITIONAL USE PERMITS

Ann Weeks, the town's Senior Planner, stated that over the past few months, the Zoning Office has encountered some confusion concerning the process for obtaining a minor modification of a land use permit. That confusion includes misunderstanding about whether a public hearing is required and whether a fee is to be charged for such permit modifications. Ms. Weeks presented an ordinance which would clarify the text of the Land Use Ordinance.

Ms. Weeks stated that the administration and Planning Board recommended adoption of the proposed ordinance.

Allen Spalt, a resident of 300 James Street, suggested having hearings on minor changes and that the hearing that classification of the changes be discussed.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK.
VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THE INTENT OF SECTION 15-64(B) AS REGARDS THE ADMINISTRATION OF REQUESTS FOR MINOR DESIGN MODIFICATIONS OR CHANGES IN ZONING, SPECIAL USE, AND CONDITIONAL USE PERMITS," BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (KINNAIRD, SHETLEY, BRYAN)

EXECUTIVE SESSION

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE BOARD GO INTO EXECUTIVE SESSION. VOTE: AFFIRMATIVE ALL

CONDITIONAL USE PERMIT REQUEST/BUCK-VAUGHN ENTERPRISES

On May 16, 1989, the Board of Aldermen held a public hearing on a request for a conditional use permit for Buck/Vaughn Enterprises. This permit would allow the construction of two office/retail structures to be located on the south side of Weaver Street between Weaver and W. Main Streets.

On May 23, 1989, discussion of this project was continued until tonight in order that the Town Attorney could discuss with the applicant the impact of this permit on the existing zoning permit for the Britt Building located at 110 W. Main Street.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BRYAN, KINNAIRD)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (KINNAIRD, SHETLEY, BRYAN)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL 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 written permission or temporary construction easements will be required for all adjacent property owners and right-of-way authorities in those areas where encroachment will be necessary for construction of the buildings or parking lot renovations. Documentation of permission shall be submitted prior to construction plan approval.

4. That the construction drawings shall be approved by the Town Engineer and Public Works Director.

5. That if reconstruction of any public sidewalk is necessary to install improvements, the replaced sidewalks shall be a minimum of four-feet wide. If sidewalk replacement is necessary at Main Street, the new four-foot sidewalks shall be installed from the southwest property corner to the proposed driveway entrance.

6. That final architectural drawings shall be reviewed and approved by the Appearance Commission prior to issuance of the conditional use permit.

7. That the existing three lots shall either be recombined to form one lot or that cross-easement documentation shall be provided prior to the issuance of the conditional use permit.

8. That the existing fence along the western property boundary shall be replaced to provide a visual screen for the automobile storage area south of the F & F automobile repair building.

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (KINNAIRD, SHETLEY, BRYAN)

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Tom Gurganus.

A RESOLUTION CONCERNING THE BUCK-VAUGHN ENTERPRISES
CONDITIONAL USE PERMIT
Resolution No. 54/88-89

THE BOARD OF ALDERMEN OF THE CARRBORO HEREBY RESOLVES:

Section 1. If the Buck-Vaughn Enterprises project is developed, the town will regard it as a violation of the Land Use Ordinance as it relates to the Britt Building at 110 West Main Street.

Section 2. The town will consider at an appropriate time the enforcement options that the town may take depending on the severity of the violation.

Section 3. The Town Attorney is requested to undertake further discussions with the applicant to advise on what those options may be.

Section 4. 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 6th day of June, 1989:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Frances Shetley

Noes: Eleanor Kinnaird, Jay Bryan

Absent or Excused: None *****

PUBLIC HEARING/DURHAM-CHAPEL HILL-CARRBORO URBAN AREA THOROUGHFARE PLAN

Jim Dunlop, the town's Transportation Planner, stated that this was a public hearing to receive comments on the Durham-Chapel Hill-Carrboro Urban Area Thoroughfare Plan, as prepared and recommended by the Durham-Chapel Hill-Carrboro Transportation Study Group. Mr. Dunlop presented the proposed plan.

Jim Jynoki requested that Whitfield Road remain a major thoroughfare and that Eubanks Road be deleted.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

COMMUNITY CENTER REPORT

The Board of Aldermen asked that the administration prepare a report on the phasing and costs for a publicly operated community center. The administration will present a report on this matter and asks for further direction be provided.

It was the consensus of the Board to defer this matter until a later date.

HEALTH INSURANCE FOR TOWN EMPLOYEES

Mr. Morgan stated that the administration requested the Board's approval of the following three options for health insurance for town employees in 1989-90:

- a. League of Municipalities' Health Plus Plan
- b. Blue Cross and Blue Shield HMO North Carolina
- c. Kaiser Permanente HMO

Mr. Morgan stated that the administration further requested the Board's approval to set the town's contribution for health insurance at \$96.00 per employee per month.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED JAY BRYAN THAT THE THREE OPTIONS BE APPROVED AND THAT THE QUESTION OF THE AMOUNT OF THE TOWN'S CONTRIBUTION PER EMPLOYEE BE BROUGHT BACK TO THE BOARD AT A LATER DATE. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (WEGNER, MARSHALL)

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE PREVIOUS MOTION BE RESCINDED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (GURGANUS, BRYAN, SHETLEY)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT TOWN EMPLOYEES BE OFFERED THE THREE OPTIONS RECOMMENDED BY THE ADMINISTRATION AND THAT THE TOWN'S CONTRIBUTION BE SET AT \$96.00 PER EMPLOYEE PER MONTH. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, BRYAN)

BUDGET AMENDMENT

Mr. Morgan stated that in order to meet expenses related to the Town Hall Day affair, the Town Commons Task Force was requesting an appropriation of \$4,025 to cover the cost of catering. The Task Force projects that 1,000 tickets for the affair will be sold, producing \$6,000 in revenue.

Mr. Morgan stated that the administration recommended approval of a budget ordinance amendment increasing the Town Commons budget by \$4,025 and recognizing the town's receipt of \$450.00 in state funds earmarked for use by the fire department.

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

REVISIONS TO TOWN COMMONS BROCHURE

Mr. Morgan stated that members of the Town Commons Task Force had suggested that the language adopted for the brochure to solicit funds for the Town Commons should be reworded since Orange County and the State have both been approached for funds. Mr. Morgan proposed the following language for the Board's consideration: "The Town Commons Project is expected to be financed by private contributions and private and public grants and not by Carrboro tax revenues. The Town of Carrboro has donated the 1.7-acre site where the project will be constructed and will be responsible for all care and maintenance."

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE REVISED LANGUAGE BE APPROVED. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION SENDING REGRETS TO THE FAMILY OF ORVILLE CAMPBELL
Resolution No. 55/88-89

WHEREAS, Orville Campbell contributed in significant ways for many years to the communities of Chapel Hill and Carrboro; and

WHEREAS, the Board of Aldermen greatly regrets Mr. Campbell's passing away today.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Mayor and Board of Aldermen sends this memorial resolution to Orville Campbell's family expressing the Town of Carrboro's regrets.

Section 2. This resolution shall be spread upon the minutes of the Board of Aldermen and a copy shall be delivered to Mr. Campbell's family.

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 6th day of June, 1989P

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 Randy Marshall and duly seconded by Hilliard Caldwell.

A RESOLUTION COMMENDING GLADYS PARKER
Resolution No. 53/89-90

WHEREAS, Gladys Parker has been a guiding light in the Carrboro Civic Club, serving as Treasurer, cook and caretaker of the building and grounds; and

WHEREAS, Mrs. Parker has spent countless hours over the past ten years planting, mulching, and trimming plants and trees at Carrboro Elementary School; and

WHEREAS, Mrs. Parker is a very faithful, caring, and dependable person and has a great interest in helping her fellow citizens and the Town of Carrboro; and

WHEREAS, Mrs. Parker served as librarian of the Carrboro Civic Club Library and currently serves as the librarian at Carrboro Baptist Church; and

WHEREAS, Mrs. Parker recently served on the Town of Carrboro's Capital Improvements Task Force.

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 Gladys Parker for her many hours of work and the pleasure and joy she has brought to to our community.

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 6th day of June, 1989:

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

Elizabeth R. H. Sanford
Deputy Town Clerk

Eleanor Kinnaird
Mayor