

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, July 11, 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 (arrived at 7:45 p.m.)
	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 FRANCES SHETLEY THAT THE MINUTES OF JUNE 27, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

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PRESENTATION OF CERTIFICATE OF APPRECIATION

Mayor Kinnaird presented a certificate of appreciation to Ken Gibson, a former member of the Transportation Advisory Board.

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PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CARRBORO ELEMENTARY SCHOOL

Helen Waldrop, Zoning Administrator, was sworn in. Ms. Waldrop stated that FWA Group had requested a conditional use permit for the Carrboro Elementary School, which would allow the construction of a 16,981 square foot multi-purpose addition to the existing school complex. The property is located at 400 Shelton Street and is zoned R-10. The parcel is identified as Tax Map 95, Block A, Lot 40. Ms. Waldrop presented the proposed site plan and stated that the administration recommended approval of the conditional use permit with the condition that easements for OWASA be established for the existing sewer mains on the property prior to construction plan approval.

[Alderman Wegner arrived at the meeting.]

Robin Lackey, Chair of the Planning Board, was sworn in. Ms. Lackey stated that the Planning Board recommended approval of the conditional use permit.

Walter Trott was sworn in. Mr. Trott stated that he and Gladys Parker do the landscaping work at Carrboro Elementary and they would like to request that the three willow oak trees proposed to be located in the bus circle be put at another location on the school property. Mr. Trott stated that they would like for the bus circle area to remain open for a future rose garden.

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

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

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

MOTION WAS MADE BY RANDY MARSHALL 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 plan 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 easements for OWASA be established for the existing sewer mains on the property prior to construction plan approval.

4. That the three (3) trees proposed to be located in the bus circle either be removed or replanted at a location agreeable to the town staff and applicant.

5. That the trees located in the area of the building site be relocated to a location suitable to the applicant.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE APPEARANCE COMMISSION REVIEW THE LANDSCAPE PLANS AND MAKE RECOMMENDATIONS TO THE APPLICANT AND TOWN STAFF. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/REZONING OF PLANNED INDUSTRIAL DEVELOPMENTS LAND 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.

Roy Williford, Planning Director, presented the staff report on the proposed rezoning and stated that the administration recommended approval of the proposed rezoning of the 20-acre Planned Industrial Development tract located on the east side of Old Fayetteville Road (Tax Map 108, Lot 31A (partial)).

Robin Lackey, Chair of the Planning Board, stated that the Planning Board recommended denial of the proposed rezoning. Ms. Lackey stated that the Planning Board thought this land should remain zoned PID since it appeared there was not another site in the town suitable for this zoning.

Melva Okun, a member of the Planning Board, stated that it was the Planning Board's understanding that the Orange County Economic Development Corp. was not actively marketing this property, and the Planning Board felt it should remain zoned PID at this time.

Allen Spalt, a resident of James Street, stated that the PID zone seems to be out of character with the surrounding property and should be rezoned to residential.

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

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO

ZONING MAP TO REZONE APPROXIMATELY 20 ACRES OF LAND ON THE EAST SIDE OF STATE ROUTE 1107 (OLD FAYETTEVILLE ROAD) AND DESCRIBED ON ORANGE COUNTY CHAPEL HILL TOWNSHIP MAP 108, LOT 31A(PARTIAL) FROM PID (PLANNED INDUSTRIAL DEVELOPMENT) TO R-20 (RESIDENTIAL, 20,000 SQUARE FEET OF LAND PER DWELLING UNIT)", BE ADOPTED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

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REQUEST FOR EXTENSION OF CONDITIONAL USE PERMIT/AMBERLY

Helen Waldrop, Zoning Administrator, stated that William Spang and Phil Szostak had requested an extension of the conditional use permit for the Amberly Subdivision. This permit is due to expire on July 28, 1989. Ms. Waldrop stated that the administration recommended denial of the extension.

Bill Spang stated that the developer of Amberly had proceeded with due diligence and in good faith during the past two years and requested that the Board extend the conditional use permit for one year. Mr. Spang stated that construction had not started because of problems with outside agencies.

Phil Szostak requested that the Board extend the conditional use permit.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE REQUEST FOR EXTENSION OF THE AMBERLY CONDITIONAL USE PERMIT BE DENIED. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, CALDWELL)

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STATUS REPORT/CHESWICK SUBDIVISION CONDITIONAL USE PERMIT

Helen Waldrop, Zoning Administrator, presented a status report on the Cheswick subdivision conditional use permit.

Greg Shepard, representing Dennis Howell, stated that the fencing is proposed to be completed by July 21st, and the work on the ditch is complete.

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STATUS REPORT/QUARTERPATH TRACE SUBDIVISION CONDITIONAL USE PERMIT

Helen Waldrop, Zoning Administrator, presented a status report on the Quarterpath Trace subdivision conditional use permit.

Robert Swiger, Fire Chief, explained the process required to obtain a permit to dynamite.

Robin Lackey, a resident of Bolin Forest, stated her concern over the street cut made by the developer.

David Smith, a resident of Bolin Forest, stated that the Bolin Forest Homeowners' Association was not able to grant an easement to Quarterpath Trace because of a technicality in the bylaws for the association. Mr. Smith requested that when dynamiting is to take place, that signs be erected to inform residents.

Steve Riddle, the developer, stated that he will consider completing Condition #14 of the conditional use permit as soon as possible. Mr. Riddle stated that he had tried to work with the town in a cooperative way on this project.

It was the consensus of the Board to request that the town staff require that signs be posted prior to dynamiting.

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REQUEST FOR REFUND OF FEES/HABITAT FOR HUMANITY OF ORANGE COUNTY

Mr. Morgan stated that the town had received a request from Habitat for Humanity of Orange County, Inc. to refund the fees paid to the town for a building permit and zoning permit issued for a home to be built at 104 Fowler Street. The building permit fee was \$288.47 and the zoning permit fee was \$25.00.

The administration recommended that the Board authorize the Town Manager to reimburse Habitat \$313.47 for the fees paid to the town, and requests that future permit fees be waived for Habitat for Humanity on those lots associated with the town's Community Development Block Grant Program.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN MANAGER BE AUTHORIZED TO REIMBURSE HABITAT FOR HUMANITY \$313.47 AND THAT FUTURE PERMIT FEES BE WAIVED FOR THIS ORGANIZATION FOR LOTS ASSOCIATED WITH THE TOWN'S CDBG PROGRAM. VOTE: AFFIRMATIVE ALL

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AWARD OF CONTRACT/DOWNTOWN DESIGN GUIDELINES

In December, 1988, the town solicited proposals for professional design services that would create a set of design guidelines for the central business district. Based upon the quality of proposals presented and after interviewing the top two firms, the Design Committee and town staff supports the proposal submitted by Lucy Carol Davis Associates, and recommends that the Board of Aldermen authorize the Town Manager to enter into a contract with that company in the amount of \$14,500.

Georgia Bizios, with Lucy Carol Davis Associates, answered the Board's questions about the guidelines.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE CONTRACT BE AWARDED TO LUCY CAROL DAVIS ASSOCIATES FOR A TOTAL COST OF \$14,500. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

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CERTIFICATION OF FIRE DEPARTMENT ROSTER

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 training per year. This roster assures that the members of the fire department receive the benefits offered by the Pension Fund and the State Firemen's Association.

The administration recommended that the Board approve the roster as presented and authorize the Mayor to sign the certification.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE ROSTER BE APPROVED AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

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BUDGET AMENDMENT

On June 27, 1989, the Board approved a budget amendment returning the unused portion of last year's appropriation for the Town Commons Project to the Capital Project Fund. At the close of the year, the town had collected \$10,543 in contributions and had spent \$5,413, leaving \$5,130 in the Capital Project Fund as unappropriated funds. A budget ordinance amendment bringing a portion of these funds back into the current operating budget by creating a General Fund appropriation of \$2,900 to be used for fund-raising activities was presented.

Pat Davis, the new Chair of the Town Commons Task Force, expressed his appreciation for being asked to serve as chair of the Town Commons Task Force and stated that the Task Force was gearing up for major fund-raising.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'89-90 BUDGET ORDINANCE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

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MEMORANDUM OF UNDERSTANDING

In October of 1988, a committee was formed to draw up a Memorandum of Understanding between Chapel Hill, Carrboro, Orange County and OWASA. The committee has recommended a Memorandum of Understanding for approval by all governing boards.

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

A RESOLUTION ENDORSING A MEMORANDUM OF UNDERSTANDING BETWEEN CARRBORO, CHAPEL HILL, ORANGE COUNTY AND OWASA  
Resolution No. 1/89-90

WHEREAS, a committee was formed in October, 1988 to draw up a Memorandum of Understanding between Carrboro, Chapel Hill, Orange County and the Orange Water and Sewer Authority; and

WHEREAS, the committee recommends the attached Memorandum of Understanding to all governing boards for approval.

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

Section 1. The Board of Aldermen endorses the Memorandum of Understanding and hereby authorizes the Mayor to sign said Memorandum on behalf of the town.

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 11th day of July, 1989:

Ayes: Randy Marshall, Eleanor Kinnaird, Frances Shetley, Jay Bryan

Noes: Tom Gurganus, Hilliard Caldwell, Judith Wegner

Absent or Excused: None

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

Jack C. Williamson  
Town Clerk

Eleanor Kinnaird  
Mayor