

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 22, 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
	Jay Bryan
	Judith Wegner (arrived at 7:35 p.m.)
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE MINUTES OF AUGUST 15, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/DOWNTOWN CIRCULATION PLAN

The administration recommended that the Board of Aldermen set a public hearing on the Transportation Advisory Board's Downtown Circulation Plan for September 12, 1989. The administration also requested guidance on the nature of advertisement preferred by the Board.

(Alderman Wegner arrived at the meeting.)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR SEPTEMBER 12, 1989. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request that the town administration place the usual advertisements in the newspaper along with posting signs at the following intersections: Main and Merritt Mill, Weaver and Main, Carr and Maple, Brewer and Hargrave, Main and Elm, and Lloyd and Fowler.

PRESENTATION BY N.C. LEAGUE OF MUNICIPALITIES

Lee Mandell, a member of the N.C. League of Municipalities' staff, made a brief presentation on the League's activities and services available to member municipalities.

AWARD OF BID FOR TRUCK CHASSIS MOUNTED VACUUM SWEEPER

Tim Blake, the town's purchasing agent, stated that bids were advertised for a truck chassis mounted vacuum sweeper as approved in the 1989-90 budget. Three (3) bids were received. Mr. Blake stated that the administration recommended that the bid be awarded to N.C. Equipment Company for a total cost of \$85,745 including trade-in allowance and optional warranty on transmission. In addition, the administration requested the Board's authorization to pursue lease purchase financing for the sweeper.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE BID BE AWARDED TO N.C. EQUIPMENT COMPANY FOR A TOTAL

COST OF \$85,745 AND THAT THE TOWN ADMINISTRATION BE AUTHORIZED TO PURSUE LEASE PURCHASE FINANCING FOR THE SWEEPER. VVOTE: AFFIRMATIVE ALL

BUDGET AMENDMENT

The administration recommended adoption of a budget ordinance amendment distributing funds allocated in the 1989-90 budget for the 5% across-the-board salary adjustment to individual departmental budgets. In addition, the administration recommended adoption of an amendment transferring \$15,183 in the Capital Reserve Fund allocated for the downtown design standards contract.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'89-90 BUDGET ORDINANCE," BE ADOPTED TRANSFERRING FUNDS FROM RESERVE FOR SALARY INCREASES TO DEPARTMENTAL BUDGETS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'89-90 BUDGET ORDINANCE," BE ADOPTED TRANSFERRING FUNDS FROM CAPITAL RESERVE TO GOVERNANCE SUPPORT FOR THE DOWNTOWN DESIGN STANDARDS CONTRACT. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

DISCUSSION OF THE TRANSPORTATION ADVISORY BOARD'S REQUEST ON SIDEWALKS FOR PROJECT U-2002

At the August 15, 1989 meeting of the Board of Aldermen, Dazzie Lane, Chair of the Transportation Advisory Board, presented a request from the Transportation Advisory Board that the Board of Aldermen reconsider its position on the placement of sidewalks directly behind the curb along Main Street, Hillsborough Road and North Greensboro Street. The administration concurred with the Transportation Advisory Board and requests that the Board reconsider its previous action.

Chris Peterson, Public Works Director, stated that he had contacted N.C. DOT to find out what would be the latest date DOT could wait to continue work on the project. Mr. Peterson stated that he was told that August 25, 1989 would be the latest date the Dept. of Transportation would be willing to make a change on the sidewalk location. Mr. Peterson stated that he would recommend that the sidewalks be located 18 inches behind the back of the curb with two exceptions. Mr. Peterson stated that he would recommend that the sidewalks be placed adjacent to the curb and gutter at the following locations:

1. Between the intersection of Shelton Street and Pine Street along the north side of Hillsborough Road; and
2. Between the intersection of Estes Drive and Williams Street along the north side of North Greensboro Street.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE SIDEWALKS BE PLACED 18 INCHES BEHIND THE CURB WITH THE EXCEPTION THAT SIDEWALKS BE PLACED ADJACENT TO THE CURB ALONG THE NORTH SIDE OF HILLSBOROUGH ROAD BETWEEN THE INTERSECTION OF SHELTON STREET AND PINE STREET AND NORTH SIDE OF N. GREENSBORO STREET BETWEEN THE INTERSECTION OF ESTES DRIVE AND WILLIAMS STREET. IN ADDITION, THAT THE TOWN STAFF WORK WITH N.C. DOT TO CONSTRUCT THE SIDEWALKS ADJACENT TO THE CURB ALONG NORTH GREENSBORO STREET WHERE NECESSARY TO SAVE TREES. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (SHETLEY, BRYAN, KINNAIRD)

STATUS REPORT ON PROJECT U-2002

Chris Peterson, Public Works Director, stated that he had met with Andy Dobelstein concerning the proposed road improvements under the U-2002 Project. Mr. Peterson stated that Mr. Dobelstein had the following concerns about the project:

1. Would the retaining wall save any of the trees vs. no retaining wall? Also, if the decision was made to install a retaining wall, then Mr. Dobelstein wants a rock retaining wall.
2. Can the large pine tree on the corner of Oak Street and N. Greensboro Street be saved?
3. Why does the right-of-way width have to be 60 feet?
4. Why did N.C. DOT designed the curve at the intersection of Hanna St. as a 40 m.p.h. speed limit?

Mr. Peterson stated that in consultation with N.C. DOT it was determined that a retaining wall would not save any additional trees because the design for the retaining wall requires a base wider than the top and along with the slope required during construction, it would disturb more area than the proposed design without a retaining wall. Mr. Peterson stated that N.C. DOT expressed a willingness to work with the town to save as many of Mr. Dobelstein's trees as possible. Mr. Peterson stated that in response to Mr. Dobelstein's third concern re. the width of the right-of-way, N.C. DOT prefers a standard right-of-way along a project to allow for easier identification which simplifies any future maintenance or repair. Mr. Peterson stated that N.C. DOT had determined that the proposed design for the curve on N. Greensboro St. using a 11 degree curve allows for a design speed of 35 m.p.h and not 40 m.p.h. Any redesign of this curve would only shift its impact from one property owner to another.

[No action was taken by the Board on this matter.]

COURTESY REVIEW/REZONING REQUEST BY ENVIROTEK

Roy Williford, Planning Director, stated that the town staff had learned that the request by Envirotek, Inc. to rezone 265.38 acres of property in the Rural Buffer Joint Courtesy Review Area from Rural Buffer to Agriculture Residential will not be subject to a joint public hearing since it is located in the joint courtesy review area. Mr. Williford stated that the administration recommended that the Board of Aldermen adopt a resolution recommending denial of the proposed Envirotek rezoning.

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

**A RESOLUTION RECOMMENDING DENIAL TO THE ORANGE COUNTY BOARD OF
COMMISSIONERS FOR THE REQUEST BY ENVIROTEK, INC.
TO REZONE 265.38 ACRES OF PROPERTY
FROM RURAL BUFFER (R-B) TO AGRICULTURAL RESIDENTIAL (AR)
Resolution No. 3/89-90**

WHEREAS, the Carrboro Board of Aldermen has reviewed, under the courtesy review process, a request by Envirotek, Inc. to rezone property from R-B to AR within the Joint Planning Joint Courtesy Review Area; and

WHEREAS, the Joint Planning Land Use Plan describes the Rural Buffer as an area outside of urban and transition area which is rural and agricultural in nature with the intent to maintain the rural residential and agricultural character of that area; and

WHEREAS, Orange County's Rural Buffer Study states that farming or rural non-farming residential developments are the most appropriate land uses in the area called out as Rural Buffer; and

WHEREAS, the Orange County Zoning Ordinance describes the Rural Buffer Zone as the appropriate zone where the underlying land use plan designation is Rural Buffer or Rural Residential and the Agricultural Residential Zone as being appropriate where the land use plan designation is Agricultural Residential; and

WHEREAS, the uses permitted in the Agricultural Residential Zone and not in the Rural Buffer Zone are more intensive and are as follows: (1) residential density at one unit per 40,000 square feet (rather than one unit per 80,000 square feet in the RB); (2) extraction of earth products (i.e., mining); (3) non-profit educational cooperatives; (4) greenhouses with on-premises sales; (5) commercial feeder operations. With the possible exception of uses #(3), #(4), and #(5) these five uses are not appropriate land uses in areas designated Rural Buffer on the Joint Planning Area Land Use Plan, given that the plan defines the appropriate uses in that area as those associated with "farming or rural non-farm residential development"; and

WHEREAS, the size of the proposed rezoning (265 acres) is significant insomuch as it reduces the effectiveness of the Rural Buffer concept, by allowing more intensive land uses within an area specifically designated to consist of low intensity land uses and remain rural in nature, buffering land uses associated with urban development.

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

Section 1. That for the reasons stated above that the recommendation is hereby made in accordance with the Joint Planning Agreement that Orange County should deny the request for rezoning by Envirotek, Inc.

Section 2. The Town clerk shall send a copy of this resolution to the Orange County Manager.

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 22nd day of August, 1989.

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

NOES: None

ABSENT/EXCUSED: None

PUBLIC HEARING SET/LEASHING OF ANIMALS ON TOWN PROPERTY

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR SEPTEMBER 5, 1989 TO CONSIDER AN

ORDINANCE REQUIRING THAT ANIMALS BE SECURED ON A LEASH WHILE ON
TOWN PROPERTY. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER A N D SECONDED BY RANDY MARSHALL
THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL

Sarah C. Williamson
Town Clerk

Deane J. Kinnaird
Mayor