Auregular meeting 4, 1989 at 7:30 p. M. In the Town Hall Board Room.

Present and presiding:

Mayor Aldermen Eleanor Kinnaird Randy Marshall Tom Gurganus Hilliard Caldwell Frances Shetley Jay Bryan Robert W. Morgan Sarah C. Williamson Michael B. Brough 219

Absent:

Alderman

Town Manager

Town Clerk Town Attorney

Judith Wegner

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF OCTOBER 17, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

Alderman Bryan stated that he had voted against the motion to set a public hearing on the Smith Level Road rezoning and requested that the minutes be revised to reflect this change.

* * * * * * * * * *

CAMPAIGN SIGNS

Richard Ellington, a resident of 109 Bruton Drive, requested that the town follow-up on the restrictions on placement of campaign signs. Mr. Ellington also requested that the Board not consider rezoning the business property on Smith Level Road to residential.

PUBLIC HEARING SET/CONDITIONAL USE PERMIT REQUEST/HIGHLANDS, PHASE \underline{V}

Piedmont Atlantic has requested a conditional use permit that would allow 14.42 acres of the Highlands Subdivision to be subdivided into 22 single-family house lots. The property is located in the transition area, north of Homestead Road between Sterling Bridge and Rogers Roads and is zoned R-20. The parcel is identified as Tax Map 109, Lot 9.

The administration requested that a public hearing be set for November 21, 1989.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING BE SET FOR NOVEMBER 21, 1989. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/REZONING OF 2.232 ACRES AT SMITH LEVEL ROAD AND ROCK HAVEN ROAD

The town is initiating a rezoning of a 2.232-acre parcel located at the northwest corner of the intersection of Smith Level Road and Rock Haven Road (Tax Map 122, Block A, Lot 5). The current zoning is B-3. The proposed zone is R-10.

The administration requested that a public hearing be scheduled for November 21, 1989.

Grainger Barrett representing Clifton Pendergrass owner of the property in question, read a letter from Mr. Pendergrass requesting that his property not be rezoned to residential. Mr. Pendergrass' letter stated that failure to retain his property as B-3 would create a major financial hardship on him. Mr. Pendergrass' letter also stated that he had donated \$75,000 worth of property to the Harlon Group to build Rock Haven Road, that he donated a 45-foot right-of-way to Piedmont Electric on Smith Level Road, and that donated right-of-way on Smith Level Road to build a turning lane to serve Rock Haven Road. Mr. Pendergrass' letter included an attached petition with the signatures of 55 of his neighbors who have no objection to a convenience store and the B-3 zoning.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING NOT BE SET TO REZONE THIS PROPERTY. VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (MARSHALL, KINNAIRD, SHETLEY, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT A PUBLIC HEARING BE SCHEDULED FOR NOVEMBER 21, 1989 TO CONSIDER REZONING THIS PROPERTY TO B-3. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (BRYAN, GURGANUS, CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT TWO PUBLIC HEARINGS BE SET FOR NOVEMBER 21, 1989 TO CONSIDER: (1) PROPOSED CHANGES TO B-3; AND (2) THE REZONING OF THE 2.232-ACRE TRACT TO R-10.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT ALDERMAN BRYAN'S MOTION BE AMENDED TO COMBINE THE TWO PUBLIC HEARINGS INTO ONE HEARING. VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (MARSHALL, BRYAN, KINNAIRD, SHETLEY)

Vote on Alderman Bryan's motion to set two public hearings: AFFIRMATIVE THREE, NEGATIVE THREE (MARSHALL, GURGANUS, CALDWELL)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THIS MATTER BE TABLED UNTIL THE FULL BOARD MEMBERSHIP IS PRESENT. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE TOWN STAFF BE ASKED TO EXPEDITE THE PROCESS OF PLANNING BOARD REVIEW OF THE B-3 ZONING DISTRICT. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (CALDWELL, GURGANUS, MARSHALL) ********

PUBLIC HEARING/VOLUNTARY ANNEXATION/FAIROAKS, PHASES 2, 3 AND 4

The Westminster Company has submitted a petition requesting the annexation of Fairoaks, Phases 2, 3 and 4 into the corporate limits of Carrboro. This property is contiguous to the town limits and is located at Pathway Drive and Hanford Road and contains 14.5 acres and 55 single-family lots. The administration recommended adoption of the ordinance annexing this property, effective October 24, 1989.

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

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING FAIROAKS, PHASES 2, 3 AND 4," BE ADOPTED. VOTE: AFFIRMATIVE ALL

* * * * * * * * * *

<u>PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT GIVING THE LAND</u> <u>USE ADMINISTRATOR STOP WORK AUTHORITY</u>

Roy Williford, Planning Director, stated that this was a public hearing to receive citizen comments on a proposed amendment to the Land Use Ordinance which would give the land use administrator stop

220

dos ordinance.

Richard Ellington, a resident of 109 Bruton Drive, stated that he felt like the proposed ordinance pre-supposes that a developer is guilty until proven innocent. Mr. Ellington expressed concern about the potential for gross use of power by a non-elected official.

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

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AUTHORIZE THE LAND USE ADMINISTRATOR TO ISSUE STOP WORK ORDERS AND ESTABLISH PENALTIES FOR THE VIOLATION OF SUCH ORDERS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE TOWN STAFF NOTIFY ALL KNOWN LOCAL DEVELOPERS OF THE NEWLY-ENACTED ORDINANCE AND EXPLORE WAYS TO NOTIFY NEW APPLICANTS OF THE ORDINANCE. VOTE: AFFIRMATIVE ALL

RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT BY PUBLIC AUCTION ACTION BY AND ODLIGHTIONS OF TOTAL

The administration recommended adoption of a resolution authorizing the sale of approximately 50 items or lots of items of surplus personal property at public auction on December 9, 1989, or by negotiated sale if there are no bidders for particular items.

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

A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION OR PRIVATE NEGOTIATED SALE OF SURPLUS TOWN PROPERTY AND UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT Resolution No. 12/89-90

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorize the town to dispose of personal property; and

WHEREAS, the town is authorized to dispose of unclaimed property in the possession of the police department pursuant to G.S. 15-12; and

WHEREAS, the town desires to dispose of certain items of surplus property and unclaimed personal property in the possession of the police department.

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

Section 1. The following items of town property are hereby declared surplus:

Quantity Description

Sale #

221 N

1 1 1 1 1 1 1	each each each each each lot lot	Gas Boy Gas Pump and Key Control Gas Boy Gas Pump and Key Control Yazoo 60-Inch 16 HP Mower McCullough Weedeater Weedeater, Stihl S/N117926505 Weedeater, Stihl S/N13594815 Metal Trash Receptacles, Green (6) Bleachers, Metal Frame, Wood (2)	1 2 3 4 5 6 7 8
	each	Playground Slide	8 9

1 lot	Scrap Metal	10
1 lot	Tires 8.75 x 16.5 LT (4)	11
1 each	Vacuum Cleaner, Post Mount	,12
an a		4

1	each each each	Mobile Radio Tamper, Kelly 1972 Model Ladder, Aluminum 48 Feet	13 14 15
1	each	Paint Striping Machine, Kelly	16
	each each	Ladder, Aluminum 12 Feet Calculator	17 18
	lot	Miscellaneous Auto Parts	19
	lot each	Hand Tools, Broken (shovels, rakes, etc.) Bus Seat)20 21
	each	Power Push Mower, Snapper	22
	each	Power Push Mower, Wizard	23
	each each	Power Push Mower, Mastercraft	24
	lot	Power Push Mower, Mastercut Miscellaneous Items from Fire Dept.	25 26
	each	Revolving Red Light	27
	each	Slide Projector w/Tape Player	28
	each	GE Cassette Player S/N 083422	29
	lot each	Chain Link Fence Posts Metal Leaf Box	30 31
	each	Dumpster	32
	each	Dumpster on Wheels	33
		Cassette Players	34
	each lot	Tailgate Salt/Sand Spreader Chain Link Fencing	35 36
	lot	Aluminum Siding 16 feet x 3 feet	37
		(8 pieces)	
	each	Dog Cage/Trap	38
	each	Tool Box for Pickup Truck	39
	lot each	Metal Garage Door Panels (6 pieces) Gas Heater, Ceiling Mount	40 41
	each	Mounting Frame for 8-Foot Meyer	42
		Snow Plow	
1	each	1974 Dodge Truck (Unit 40)	43
		VIN-D61FG4J010097 Minimum Bid: \$500	
1	each	1974 Datsun Truck (Unit 109) VIN-PL620374034 Minimum Bid: \$100	44
1	each	1981 Chevrolet Chevette (Unit 16) VIN-1G1AB6890BA176699 Minimum Bid: \$100	45
		VIN IGIRBOSSOBRI/8099 MINIMUM BIG. \$100	
1	each	1982 Ford Fairmont (Unit 129)	46
		VIN-1FABP21B5CKI65749 Minimum Bid: \$100	
1	each	1979 Dodge Aspen (Unit 121)	47
		VIN-NL41L9B255506 Minimum Bid: \$100	
1	each	1973 Chevrolet, 3/4 Ton Truck	48
		(Unit 41) VIN-CCY233B123043	
		Minimum Bid: \$250	
1	each	1976 Ford Sedan, VIN-6A2711107288	49
		No Minimum Bid	
1	each	Weedeater, Stihl	50
1	each	Movie Screen	51
	each	Hose Reel	52
1	lot	1500 Watt Incandescent Bulbs	53

Section 2. The following items are in the possession of the Carrboro Police Department and have remained unclaimed for a period of at least 180 days. All persons who claim any interest in the following property shall present such claim to the police department within thirty days after the publication of this notice. If not claimed, such property shall be sold as provided in this resolution. Quantity Description Sale # Stereo Speakers - no name 54 2 each Radar Detector, Cobra 55 1 each 56 1 each Turntable, Garrard 57 1 each Jacket, Lands End 1 each Sleeveless Blue Jean Jacket 58 "Carolina" Windbreaker, Child`s, Blue 59 1 each Jacket, Avalanche, Black, Size 16 60 1 each 61 1 each Watch, Sieko, Ladies Quartz, Gold 62 1 each Baseball Glove, Louisville, Slugger 63 2 each Car Stereo Speakers, Krako Car Stereo Speakers, Krako 64 2 each 65 1 each Umbrella 66 1 each Vehicle Front Cover, LeBra Stereo Speaker 67 1 each Stereo Graphic Equalizer, Rondo 68 1 each 69 Radar Detector, Fox 1 each 70 1 each Car Cassette Player, Kenwood 1 each Car Cassette Player, Kenwood, Serial #68R14186 71 Car Stereo Speaker, 3-way, power drive AM/FM Converter, Fujitsu, 3803145 72 1 each 73 1 each Radar Detector, Cobra, Serial #299600 74 1 each 1 each Car Cassette Deck, Alpine with two Audiovox Speakers 75 Television, Zenith, Serial #785662 76 1 each Cassette Player, JVC Cassette Player, Harmon Karden BoomBox, Fisher 77 1 each 1 each 78 79 1 each Jacket, Members Only, Black 1 each 80 Jacket, Reversible, Blue/Green 81 1 each 82 1 each Rubiks Cube 83 Sunglasses, Red 1 each 84 Silver Plated Serving Tray 1 each 1 each Flashlight 85 1 each 86 Baseball Glove 1 each Tennis Shoes, White, Women's, Ballons 87 Infant Carrier 88 1 each 89 1 each Sweater, Blue 90 1 each Blue Jean Jacket 1 each 1 lot Down Parka, Blue 91 Bicycle Tires (3), Size Unknown 92 Baseball Glove, Sears 1 each 93 1 each Baseball Glove 94 12-Speed Bicycle, Red, Huffy Tecthra 10-Speed Bicycle, Panasonic, Serial 1 each 95 1 each #38951 96 1 each Bicycle, Red, Roadmaster 4605T (frame 97 and one wheel) Ladies Bicycle, Standard, Blue Bicycle, Diamondback 20", (frame only) 1 each 98 1 each 99 Ladies Bicycle, Sears Free Spirit, Blue 100 1 each 1 each Ladies Bicycle, Columbia 101 Bicycle, Columbia, 20" Bicycle, Diamond Back, 20", Serial 1 each 102 1 each #F504734 103 Ladies Bicycle, Raleigh Rampar 3-Speed Ladies Bicycle, Free Spirit 1 each 104 1 each 105 Bicycle, Columbia, Serial #41020147 Bicycle, Jason, 26" 1 each 106 1 each 107 Bicycle, 10-Speed, Raleigh, 26", Yellow 108 1 each 1 each Ladies Bicycle, Armstrong, 3-Speed 109 Bicycle, Schwinn, 10-Speed, Red Bicycle, Rampar, 10-Speed Ladies Bicycle, Royal Enfeld 1 each 110 1 each 111 1 each 112 Ladies Bicycle, 10-Speed, Sears Free 1 each Spirit 113 Ladies Bicycle, Huffy 626 Bicycle, JC Penny, 24", 10-Speed Ladies Bicycle, Joplin, 10-Speed 1 each 114 1 each 115 1 each 116

223 🔻

1 each Bicycle, No brand, 10-Speed, Serial #HC8491378 117 Bicycle, Western Flyer, 10-Speed, Serial #A870822341 1 each 118 Bicycle, Toyolo, 10-Speed, 26" Bicycle, Phoenix, 10-Speed, Silver 1 each 119 1 each 120 1 each Bicycle, Mean Machine, 20" 121 1 each Scooter, General, Purple 122 Moped, Motobecane, Orange Moped, Tomos, Serial #VY2A01110DK386222 1 each 123 1 each 124 Blue 1 each T.V., RCA, Color, 17" 125 1 each T.V., Sylvania, Color with Remote 126 BoomBox, Sony with Cassette BoomBox, Sanyo with Cassette 1 each 127 1 each 128 1 each PreAmp, Cambridge 129 1 each Ice Chest 130

Section 3. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 and the unclaimed property listed in Section 2 at public auction in accordance with statutory requirements.

Section 4. A public auction shall take place on Saturday, December 9, 1989 (raindate: December 16, 1989) at 10:00 a.m. at the Carrboro Public Works Facility.

Section 5. The terms of sale shall be to the highest bidder for cash (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

Section 6. All items shall be sold on an "as is" and "where is" basis and the town makes no guarantee of and assumes no responsibility for any of the items.

Section 7. It shall be a condition of sale that all items purchased shall be picked up and removed from the premises of the Town Hall by 1:30 p.m. on the day of the auction. Purchasers shall bear sole risk of loss of any items remaining on said premises past such time.

Section 8. If any of the property listed in this resolution is not sold at the public auction, the Purchasing Agent is hereby authorized to sell said surplus property by private negotiated sale or dispose of said property in any other appropriate manner as authorized by the Town Manager.

Section 9. 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 24th day of October, 1989:

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

Noes: None

Absent or Excused: Judith Wegner

* * * * * * * * * * *

EXECUTIVE SESSION

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS LITIGATION. VOTE: AFFIRMATIVE ALL

224

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL

Sarah C. Williamon

Aler Mayor ~ insiand