

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 14, 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 W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF OCTOBER 24, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

A RESOLUTION HONORING JUDITH WEGNER

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

A RESOLUTION HONORING JUDITH WEGNER
Resolution No. 16/89-90

WHEREAS, Alderman Judith Wegner has generously contributed her time, energy, and many talents to the Town of Carrboro as a member of the Board of Adjustment, the 2000 Task Force, the Regional Solid Waste Task Force, Chair and member of the Intergovernmental Work Groups, and the Carrboro Board of Aldermen; and

WHEREAS, Alderman Wegner has brought wisdom, strength of character, independence of thought, knowledge of issues and procedures to her decisions and service as a Carrboro Alderman; and

WHEREAS, Alderman Wegner has used her skill and discernment in discovering essential issues and proposing viable and equitable solutions to those issues; and

WHEREAS, Alderman Wegner has used her considerable ability to put together motions deftly and thoroughly upon all occasions, for which she has no peer and will be sorely missed by the Carrboro Board.

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

Section 1. The Carrboro Board of Aldermen says good-bye to Alderman Wegner with great regret, but with congratulations to her on her appointment as the Dean of the School of Law of the University of North Carolina and wishes her well in her future endeavors, knowing she will bring to those duties the same skills and solid accomplishments she has shown on the Carrboro Board of Aldermen.

Section 2. A copy of this resolution shall be spread upon the minutes of the Board of Aldermen and a copy thereof shall be delivered to Alderman Judith Wegner.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote was duly adopted this 14th day of November, 1989:

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

Noes: None

Absent or Excused: Judith Wegner

PRESENTATION OF CLASS IV ARTS AND HUMANITIES AWARD

Doris Murrell, Chair of the Parks and Recreation Commission, presented the Board of Aldermen with the 1989 Class IV Arts and Humanities Award presented by the N.C. Recreation and Parks Society to the town's Parks and Recreation Department for its First Friday Family Series.

REQUEST FOR LAND USE ORDINANCE TEXT AMENDMENT/VARIANCES FOR MINOR SETBACKS

John McCormick, representing Raymond and Laurie Cashman residents of 111 Creekview in the Spring Valley Subdivision, requested that the Board consider amending the land use ordinance to allow a variance when minor setback violations have been created through a good faith effort. Mr. McCormick stated that the town staff was in favor of such an amendment.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN STAFF BRING BACK TO THE BOARD A PROPOSED ORDINANCE ON NOVEMBER 21, 1989 FOR CONSIDERATION IN SETTING A PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

IMPROVEMENTS TO THE INTERSECTION OF HILLSBOROUGH ROAD AND OLD FAYETTEVILLE ROAD

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE TOWN MANAGER BE REQUESTED TO CONTACT N.C. DOT TO DETERMINE WHETHER SAFETY IMPROVEMENTS CAN BE MADE TO THE INTERSECTION OF HILLSBOROUGH ROAD AND OLD FAYETTEVILLE ROAD. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT TO EXTEND THE PROVISION ESTABLISHING DENSITY CALCULATIONS

This proposed amendment would allow density calculations where a portion of a lot is acquired by the N.C. Dept. of Transportation to be done on the basis of the original lot size, including the acquired portion of the lot.

The administration requested that a public hearing be set for November 28, 1989.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR NOVEMBER 28, 1989. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT TO AUTHORIZE TEMPORARY PARKING LOTS USED IN CONNECTION WITH CONSTRUCTION PROJECTS

This amendment would authorize temporary parking lots used in connection with construction projects in some zoning districts.

The administration requested that a public hearing be set for November 28, 1989.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL

THAT A PUBLIC HEARING BE SET FOR NOVEMBER 28, 1989. VOTE:
AFFIRMATIVE ALL

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 December 12, 1989.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT A PUBLIC HEARING BE SET FOR DECEMBER 12, 1989. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (GURGANUS, CALDWELL, WEGNER)

LEASH-FREE AREA OF COMMUNITY PARK

Richard Kinney, the town's Parks and Recreation Director, stated that the Board of Aldermen adopted a leash ordinance for animals while on town property on September 5, 1989. The Board further directed the administration to bring back a recommendation on where and how the town might be able to establish a leash-free area on town property.

Mr. Kinney stated that the administration recommended that a leash-free area be designated at the Community Park and this area be located within a 1.2-acre open play area to the left when entering the park.

Doris Murrell, Chair of the Parks and Recreation Commission, stated that the Commission recommended that the leash-free area, as recommended by the town staff, be approved, with an evaluation after six months.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 10 OF THE CARRBORO TOWN CODE TO AUTHORIZE THE BOARD OF ALDERMEN TO IDENTIFY, BY RESOLUTION, A LEASH-FREE AREA OF TOWN PROPERTY," BE ADOPTED. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION DESIGNATING A LEASH-FREE AREA
AT CARRBORO COMMUNITY PARK
Resolution No. 27/89-90

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. Pursuant to Section 10-7(d) of the Carrboro Town Code, the area depicted on the attached map of the Carrboro Community park as "Leash-Free Area" is hereby designated a "leash-free area."

Section 2. The manager is hereby directed to post signs to sufficiently identify the leash-free area as such.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to vote, was duly adopted this 14th day of November, 1989:

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

Noes: None

Absent or Excused: None

(See the Town Clerk's file of this meeting for a copy of the map referenced in the above resolution.)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE TOWN STAFF BE DIRECTED TO BRING BACK TO THE BOARD OF ALDERMEN AN EVALUATION OF THE UTILIZATION OF THE LEASH-FREE AREA IN SIX MONTHS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE TOWN STAFF BE REQUESTED TO BRING BACK A REPORT ON WHETHER CHANGES SHOULD BE MADE TO THE LEASH-FREE POLICY. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, CALDWELL, WEGNER)

AWARD OF BID FOR FLAT BED TRUCK WITH KNUCKLE BOOM TRASH LOADER

Tim Blake, the town's purchasing agent, stated that the administration recommended that the Board of Aldermen award the bid for one (1) flat bed truck with hydraulically operated knuckle boom trash loader to Cavalier Equipment Company for a total cost of \$45,202.00. Mr. Blake stated that the administration also requested Board approval to pursue lease purchase financing for this equipment.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE BID BE AWARDED TO CAVALIER EQUIPMENT COMPANY FOR A TOTAL COST OF \$45,202.00 AND THAT THE ADMINISTRATION BE AUTHORIZED TO PURSUE LEASE-PURCHASE FINANCING. VOTE: AFFIRMATIVE ALL

STATUS REPORT ON THE CREATION OF A LOCAL NON-PROFIT HOUSING DEVELOPMENT CORPORATION

Diana Woolley and Everett Thomas, representatives from the Steering Committee for the Orange County Housing Corporation, presented a status report on the formation of a non-profit housing development corporation.

Ms. Woolley stated that the name of the housing corporation will be the Orange Community Housing Corporation and the operating strategy will address funding for the new corporation and plans for staffing. A funding request will be forthcoming to the Town of Carrboro.

TRANSITION AREA PARK PLAN

Richard Kinney, the town's Parks and Recreation Director, stated that the transition area has come under the town's jurisdiction and therefore development must meet the requirements of the Carrboro Land Use Ordinance. It has been determined that certain paragraphs of the Active Recreation and Open Space section of the ordinance cannot apply to this area unless certain actions are taken by the Board of Aldermen.

Mr. Kinney stated that the administration recommended that the Board resolve the issue of Section 15-203(a) of the Land Use Ordinance by directing the administration to bring back an ordinance amendment to include additional wording which would clear up any potential conflict if the town did not own land at a particular time and location. In addition, Mr. Kinney stated that the administration recommended adoption of a resolution approving

the park plan for the Transition Area.

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

A RESOLUTION ADOPTING THE PARK PLAN FOR
THE TRANSITION AREA
Resolution No. 25/89-90

WHEREAS, as a result of the implementation of the Joint Planning Agreement, the Town of Carrboro is presently enforcing its Land Use Ordinance within Transition Areas I and II; and

WHEREAS, it is expected that these areas will one day be part of the corporate limits of the Town of Carrboro and will thereby be entitled to receive all services provided by the town, including the provision of recreational facilities maintained by the town; and

WHEREAS, it is necessary and appropriate to begin implementing a process that will result in the acquisition of suitable areas for community parks within Transition Areas I and II; and

WHEREAS, by establishing a plan for the acquisition of park areas, the town may, under its Land Use Ordinance, accept payments from developers in lieu of those developers providing their own recreational facilities.

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

Section 1. The Board hereby adopts the attached Transition Area Park Plan and instructs the staff, in consultation with the Recreation Commission, to begin implementation of that plan.

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 14th day of November, 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 JAY BRYAN THAT THE TOWN STAFF BE DIRECTED TO BRING BACK TO THE BOARD A PROPOSED AMENDMENT TO RESOLVE POTENTIAL CONFLICTS IN SECTION 15-203(A).
VOTE: AFFIRMATIVE ALL

RESOLUTION FROM TRIANGLE J COUNCIL OF GOVERNMENTS/LAND USE GUIDELINES

Roy Williford, Planning Director, stated that on September 14, 1989, the Board of Aldermen received a slide show presentation from Ray Green on the Triangle J Council of Government's findings regarding land use priorities for Region J. Mr. Williford stated that the proposed resolution pledges the town to work cooperative with the Triangle J COG and governments throughout Region J in: (i) assembling current land use policies; (ii) preparing an analysis of implementing the COG's recommendation at the local level; (iii) participating in arriving at a regional or common land use classification system; and (iv) participating in the Regional Data Base Proposal.

Mr. Williford stated that the administration recommended adoption

the park plan for the Transition Area.

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

A RESOLUTION ADOPTING THE PARK PLAN FOR
THE TRANSITION AREA
Resolution No. 25/89-90

WHEREAS, as a result of the implementation of the Joint Planning Agreement, the Town of Carrboro is presently enforcing its Land Use Ordinance within Transition Areas I and II; and

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The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of November, 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 JAY BRYAN THAT THE TOWN STAFF BE DIRECTED TO BRING BACK TO THE BOARD A PROPOSED AMENDMENT TO RESOLVE POTENTIAL CONFLICTS IN SECTION 15-203(A).
VOTE: AFFIRMATIVE ALL

RESOLUTION FROM TRIANGLE J COUNCIL OF GOVERNMENTS/LAND USE GUIDELINES

Roy Williford, Planning Director, stated that on September 14, 1989, the Board of Aldermen received a slide show presentation from Ray Green on the Triangle J Council of Government's findings regarding land use priorities for Region J. Mr. Williford stated that the proposed resolution pledges the town to work cooperative with the Triangle J COG and governments throughout Region J in: (i) assembling current land use policies; (ii) preparing an analysis of implementing the COG's recommendation at the local level; (iii) participating in arriving at a regional or common land use classification system; and (iv) participating in the Regional Data Base Proposal.

Mr. Williford stated that the administration recommended adoption

of the resolution supporting Triangle J's Land Use Guidelines.

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

A RESOLUTION SUPPORTING TRIANGLE J COUNCIL
OF GOVERNMENTS' LAND USE GUIDELINES
Resolution No. 24/89-90

WHEREAS, the Triangle J Council of Governments has presented a report entitled, "Triangle J Council of Governments, Land Use Guidelines," containing certain information and findings; and

WHEREAS, the purpose of said report is to present information about the region, share information among the counties and municipalities, and achieve cooperation, coordination and compatibility among the growth policies of the counties and municipalities within the Triangle J Region; and

WHEREAS, the Board of Aldermen of the Town of Carrboro recognizes that the increasingly urbanized and complex nature of the Region requires regional cooperation in order to preserve and protect those qualities that make the Triangle J Region a unique and desirable place to live.

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

Section 1. The Board pledges the following efforts:

1. Assemble those documents which set forth our current policies related to growth (direction, intensity and pace), housing, critical environmental and natural areas, infrastructure, open space and economic development, analyze and summarize the documents, and provide the summary to the Triangle J Council of Governments;

2. Provide an analysis of the local implications of implementing the recommendations in the Triangle J COG report;

3. Cooperate with the Council of Governments and the municipalities and counties in the Region in arriving at a common classification of existing and proposed land uses that is suitable for urban as well as regional planning; and

4. Participate in the development of a regional database initially involving semi-annual reports to the Triangle J COG as described in the attached "Regional Data Base Proposal." The initial phase of the database is to be operational by April 1, 1990 to coincide with the decennial Census of Population and Housing.

Section 2. The Town of Carrboro will participate with the Triangle J Council of Governments and the municipalities and counties in the Region in a continuing program to achieve coordinated growth policies.

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 14th day of November, 1989:

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

Noes: None

Absent or Excused: None

AWARD OF CONTRACT FOR EMPLOYEE ASSISTANCE PROGRAM

Larry Gibson, Assistant Town Manager, stated that the administration requested the Board authorize the Town Manager to enter into a contract with Human Affairs International for a total cost of \$600.00 to provide an employee assistance program for town employees beginning on February 1, 1990.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT ALDERMEN CALDWELL, GURGANUS AND BRYAN BE DESIGNATED AS A SUB-COMMITTEE TO WORK WITH THE ADMINISTRATION IN REVIEWING QUESTIONS CONCERNING THE EMPLOYEE ASSISTANCE PROGRAM. VOTE: AFFIRMATIVE ALL

CARR STREET BIKEWAY EASEMENT

Roy Williford, Planning Director, stated that in order to reduce the number of property owners affected by the Carr Street Bikeway, the administration recommended that the Board approve a change order associated with the PTA Thrift Shop to shift the alignment of the bikeway easement.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE ADMINISTRATION BE AUTHORIZED TO SPEND UP TO \$1,200.00 FROM THE CONTINGENCY FUND TO NEGOTIATE A CHANGE ORDER ASSOCIATED WITH THE PTA THRIFT SHOP TO SHIFT THE ALIGNMENT OF THE CARR STREET BIKEWAY EASEMENT. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the town's OWASA representatives to attend the November 21st meeting of the Board to present a report on the relocation of the waterline under the PTA Thrift Shop building.

ORANGE COUNTY AIDS TASK FORCE

Mayor Kinnaird stated that Mike Nelson had volunteered to serve as the town's representative on the Orange County Aids Task Force.

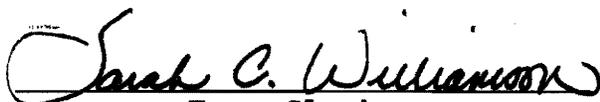
SCHEDULING OF PUBLIC HEARINGS BY BOARD OF COMMISSIONERS

It was the consensus of the Board to ask the Town Manager to discuss with the Orange County Manager the scheduling of public hearings conducted by the Orange County Board of Commissioners of broad interest.

EXECUTIVE SESSION

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

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


Town Clerk


Mayor