

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 5, 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
Town Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING: November 28, 1989

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT THE MINUTES OF NOVEMBER 28, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

APPROVAL OF ABSTRACT OF VOTES CAST AT NOVEMBER 7, 1989 ELECTION

MOTION WAS MADE BY JAY BRYAN THAT THE ABSTRACT OF VOTES CAST AT THE NOVEMBER 7, 1989 ELECTION BE APPROVED. VOTE: AFFIRMATIVE ALL

ABSTRACT OF VOTES

CAST AT AN ELECTION HELD FOR MAYOR AND MEMBERS OF TOWN BOARD ON TUESDAY, NOVEMBER 7, 1989, IN THE COUNTY OF ORANGE, NORTH CAROLINA, AT THE PLACES APPOINTED BY LAW FOR HOLDING ELECTIONS IN SAID TOWN OF CARRBORO.

PRECINCTS	MAYOR		TOWN BOARD									
	ELEANOR KINNAIRD	JIM PORTO	HILLIARD CALDWELL	JACQUELYN M. GIST	TOM GURGANUS	MICHAEL NELSON						
DUKEWOOD ACRES	25	6	17	24	16	27						
LIONS CLUB	249	128	227	262	171	261						
NORTH CARRBORO	301	334	459	415	457	300						
OWASA	191	83	189	189	137	168						
TOWN HALL	230	155	288	263	220	207						
TRANSFERS	28	2	20	30	10	22						
ABSENTEE	15	13	18	15	19	13						
TOTAL	1039	721	1218	1198	1030	918						

STATE OF NORTH CAROLINA, ORANGE COUNTY.

We, the undersigned, the County Board of Elections for said County, having opened, canvassed and judicially determined the original returns of the election in the several precincts in this County, held as above stated, do hereby certify that the above is a true abstract thereof and contains the number of legal ballots cast in each precinct for the office named, the name of each person voted for, and the number of votes cast for each person for Mayor and Town Board as aforesaid.

Given under our hands, this _____ day of November, 19__.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notary Seal, this _____ day of November, 19__.

Barbara E. Faust
Digme D. Brown
[Signature]
County Board of Elections

[Signature]
NOTARY PUBLIC
Seal
ORANGE COUNTY, N.C.
My Commission Expires: 11/21/92

COMMENTS BY OUTGOING ALDERMAN JUDITH WEGNER

Alderman Wegner made her parting comments as a member of the Board of Aldermen.

SWEARING IN OF MAYOR-ELECT ELEANOR KINNAIRD BY SARAH WILLIAMSON

The Town Clerk, administered the oath of office of Mayor-Elect Eleanor Kinnaird, and Aldermen Elect-Hilliard Caldwell and Tom Gurganus.

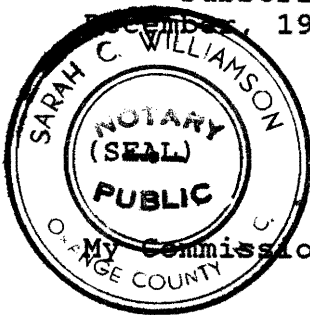
NORTH CAROLINA

ORANGE COUNTY

"I, Eleanor G. Kinnaird, do hereby affirm that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Mayor of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

[Signature]
Eleanor G. Kinnaird

Subscribed and sworn to before me this the 5th day of _____, 1989.



[Signature]
Notary Public

My Commission Expires: 7-22-90

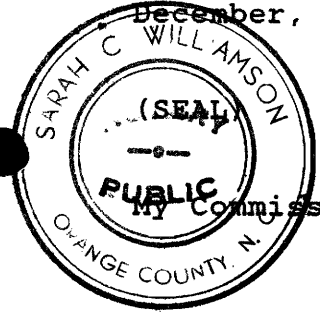
NORTH CAROLINA

ORANGE COUNTY

"I, Hilliard Caldwell, do hereby solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

[Signature]
Hilliard Caldwell

Subscribed and sworn to before me this the 5th day of December, 1989.



Sarah C. Williamson
Notary Public

My Commission Expires: 7-22-90

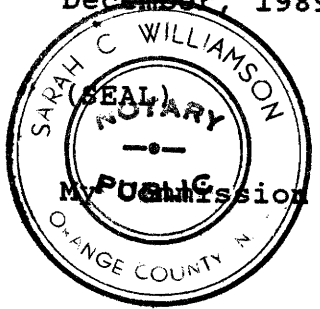
NORTH CAROLINA

ORANGE COUNTY

"I, Thomas E. Gurganus, do hereby solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

Thomas E. Gurganus
Thomas E. Gurganus

Subscribed and sworn to before me this the 5th day of December, 1989.



Sarah C. Williamson
Notary Public

My Commission Expires: 7-22-90

SWEARING IN OF ALDERMAN-ELECT JACQUELYN GIST BY ROBIN LACKEY

Robin Lackey issued the oath of office to Alderman-Elect Jacquelyn Gist.

NORTH CAROLINA

ORANGE COUNTY

"I, Jacquelyn M. Gist, do hereby solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

Jacquelyn M. Gist
Jacquelyn Gist

Subscribed and sworn to before me this the 5th day of December, 1989.

Elizabeth Lackey
Notary Public

Commission Expires: 4/21/93

COMMENTS BY MAYOR AND ALDERMEN

Mayor Kinnaird, Alderman Caldwell, Alderman Gurganus and Alderman Gist commented on their plans and expectations while serving as Mayor and Aldermen of the Town of Carrboro.

APPOINTMENT OF MAYOR PRO TEM

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT HILLIARD CALDWELL BE APPOINTED MAYOR PRO TEM. VOTE: AFFIRMATIVE ALL

EXPLANATION OF COMMITTEE PROCESS

Mr. Morgan explained the process discussed by the Agenda Planning Committee for committee assignments for Board members.

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT/MEADOW RUN SUBDIVISION

Keith R. Bowman has requested a conditional use permit that would allow Meadow Run Subdivision to be subdivided into 13 single-family house lots. The property is located at the south side of Rogers Road south of its intersection with Eubanks Road and is zoned RR. The parcel is identified as Tax Map 23, Block C, Lot 3.

The administration requested that a public hearing be set for December 19, 1989.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT A PUBLIC HEARING BE SET FOR DECEMBER 19, 1989. VOTE: AFFIRMATIVE ALL

VOLUNTARY ANNEXATION/WILLOW SPRINGS LONG TERM CARE FACILITY

Andrew McDougald, owner and president of the Willow Springs Long Term Care Facility, Inc., has submitted a petition requesting the annexation of the Willow Springs Long Term Care Facility into the corporate limits of Carrboro. This property is located at 624 Jones Ferry Road and contains 3.4 acres.

The administration recommended that a public hearing be set for December 19, 1989.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
ANNEXATION OF WILLOW SPRINGS LONG TERM CARE FACILITY, INC.
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 28/89-90

WHEREAS, the Town of Carrboro has received a petition from the owners of Willow Springs Long Term Care Facility, Inc. requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen shall hold a public hearing on December 19, 1989 to consider the voluntary annexation of Willow Springs Long Term Care Facility, Inc.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Newspaper at least

ten days prior to the date of the public hearing.

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 5th day of December, 1989:

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

Noes: None

Absent or Excused: None

Roy Williford, Planning Director, answered the Board's questions regarding modifications to the plans for the Willow Springs Long Term Care Facility.

PUBLIC HEARING/COMMUNITY NEEDS FOR FISCAL YEAR 1990-91

This was a public hearing to receive citizen input for consideration in the preparation of the FY'90-91 operating budget and capital improvements plan.

Marti Mandell, a resident of Pine Street, requested that a Park and Ride lot be added at Willow Creek Shopping Center, requested an increase in-town bus service from Plantation Plaza to Franklin Street with frequent stops, and requested increased bus scheduling, including year-round service and continued service during holidays and other school breaks.

James Brittian spoke in favor of continued support of JOCCA nutrition program and funding for a Community Center.

Margaret Martin Coski spoke in favor of continued or expanded funding of Orange County Association of Battered Women.

Clark Lohse, Chair of the Cable T.V. Committee, spoke in favor of the Board providing funding for updating the Board Room sound system.

Mayor Kinnaird read a letter from Thorn Kuhl requesting that there be no tax increase in the upcoming budget and pay-as-you-go construction of bike paths.

Mayor Kinnaird read a statement from Heidi Perry, a member of the Transportation Advisory Board, requested that the town purchase of Share the Road signs with funds allocated to TAB in FY'89-90 budget.

Mayor Kinnaird read a statement from Steve Fisher requesting the following in the upcoming budget: (i) that \$25,000 be included for municipal building improvements; (ii) that \$5,000 be allocated for parking and downtown signage; (iii) that funds not be allocated to construct a burn building and smoke house for fire training facility, but use Chapel Hill facilities; (iv) that the purchase of street paving equipment be made sooner and postpone replacement of some firefighting equipment; (v) questioned whether so many police cars are needed; (vi) requested that the budget be increased in order to pave wider sidewalks in central business district in addition to major landscaping; that playground and tot lot design equipment be added to all parks with the reservation of funds for development of nature and environment education facilities in parks; that funds be allocated for non-traditional athletic park facilities; i.e., high jump, broad jump, vault, handball, vault, etc.; (vii) that funds be included for child play/care space in Community Center in addition to a light snack/coffee shop/meeting lounge with an outdoor terrace and garden space; (ix) was opposed to the Pathway Drive Extension to Seawell School Road as a thoroughfare route - this section of Bolin Creek should be preserved as one of the most interesting forest/creek environments

in our area--keep roads out of there. The topography is beautiful--take a walk to that horseshoe bend in the creek; requested Lloyd Street Extension only after study of its impact on intersection with Main Street in central business district; (x) allocate \$45,000 over five years for implementation of selected portions of downtown design guidelines study.

LAND USE ORDINANCE TEXT AMENDMENT/VARIANCES FOR MINOR SETBACKS

Roy Williford, Planning Director, stated that John McCormick, attorney for Mr. and Mrs. Raymond Cashman, had requested an amendment to the Land Use Ordinance which would allow a variance when minor setback violations have been created through a good faith error. Mr. Williford explained the proposed amendment and stated that the administration recommended approval of the proposed amendment.

Mrs. Cashman explained the circumstances that had caused she and her husband to request the proposed amendment.

John McCormick spoke in favor of the proposed amendment.

Allen Spalt questioned how "minor" was defined in the proposed ordinance.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS 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 THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING ARTICLE V OF THE CARRBORO LAND USE ORDINANCE (APPEALS, VARIANCES, INTERPRETATIONS) TO AUTHORIZE THE BOARD OF ADJUSTMENT TO GRANT SETBACK VARIANCES WHEN MINOR VIOLATIONS HAVE BEEN CREATED THROUGH GOOD FAITH ERROR", BE ADOPTED, AS AMENDED BY REVISING THE LANGUAGE OF SUBSECTION (1)(B) TO READ AS FOLLOWS: "IF THE APPLICANT IS REQUESTING A MINOR VARIANCE FROM THE BUILDING SETBACK REQUIREMENTS OF SECTION 15-184 AND THE APPLICANT CARRIES HIS BURDEN OF PROVING TO THE BOARD THAT (i) THE NEED FOR THE VARIANCE ARISES OUT OF A GOOD FAITH ERROR, SUCH AS A MISTAKE MADE BY A CONTRACTOR IN LOCATING A BUILDING OR A MISTAKE MADE BY A SURVEYOR IN ESTABLISHING OR IDENTIFYING A PROPERTY LINE, AND (ii) IN THE ABSENCE OF THE VARIANCE THE APPLICANT WILL SUFFER SIGNIFICANT HARDSHIP, AND (iii) THE DEVIATION WILL NOT HAVE AN ADVERSE EFFECT ON THE SURROUNDING PROPERTIES." VOTE: AFFIRMATIVE ALL

ANNUAL REPORTS FROM APPEARANCE COMMISSION, HUMAN SERVICES COMMISSION AND DOWNTOWN DEVELOPMENT COMMISSION

The Board received annual reports from the Appearance Commission and Human Services Commission. The report from the Downtown Development Commission was rescheduled for December 19, 1989.

It was the consensus of the Board to request that the concerns raised by the Appearance Commission regarding how to prevent site plans from being misleading or incomplete, to allow elevation plans to take into account proposed landscaping and grading, to consider requiring a scale model to show scale, and that there be some assurance that the applicant does modify plans according to the Appearance Commission recommendations be discussed at the Annual Retreat.

REVOLVING LOAN FUND APPLICATION/MUSIC LOFT

James Harris, the town's Special Projects Coordinator, stated that the Music Loft had submitted an application to the town for a \$55,000 loan from the Carrboro Revolving Loan Fund. These funds would be used along with the owner's private funds to purchase and renovate the old Scott Rent-all building at 116 W. Main Street.

Mr. Harris stated that the Carrboro Revolving Loan Fund Review Board had recommended approval of the loan in the amount of \$55,000 for a term of 10 years at 6% interest, contingent upon the applicant satisfying the following requirements: (i) a final, signed, satisfactory purchase agreement; (ii) disbursement of \$100,000 from Village Bank; (iii) final, signed, satisfactory note between Doug Council and borrower in the amount of \$120,000; (iv) all applicable licenses and permits; and (v) that there not be any further debt financing without prior written consent from the Town.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE LOAN BE APPROVED AS RECOMMENDED BY THE CARRBORO REVOLVING LOAN FUND REVIEW BOARD. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

APPOINTMENTS TO DOWNTOWN DEVELOPMENT COMMISSION

Gary Phillips, Chair of the Downtown Development Commission, recommended the appointment of Andrew Jones, Sidney Martin and Nancy Ruppert to the Downtown Development Commission.

MOTION WAS MADE BY TOM GURGANUS THAT ANDREW JONES, SIDNEY MARTIN AND NANCY RUPPERT BE APPOINTED TO THE DOWNTOWN DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

SLUDGE RELOCATION TO ORANGE COUNTY

Alderman Shetley requested that the town staff check into the newspaper article she had read concerning the relocation of sludge from Durham County to Orange County.

ANIMAL HOSPITAL

Amy Parker, Zoning Development Coordinator, gave a status report on the conditional use permit for the Animal Hospital.

PTA THRIFT SHOP TREE REMOVAL

Mayor Kinnaird requested that the town staff check to see if the trees removed for the PTA Thrift Shop project were in violation of the conditional use permit.

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

Sarah C. Williamson
Town Clerk

Blair J. Kinnaird
Mayor