

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 12, 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
	Jacquelyn Gist
	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 JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE MINUTES OF DECEMBER 5, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

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PROCLAMATION/BILL OF RIGHTS DAY

Mayor Kinnaird read a proclamation proclaiming December 15, 1989 as Bill of Rights Day in the Town of Carrboro.

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PRESENTATION OF CERTIFICATE OF APPRECIATION

Mayor Kinnaird presented a certificate of appreciation to David Rutter for his service while on the Planning Board.

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PUBLIC HEARING/REZONING OF 2.232 ACRES LOCATED AT SMITH LEVEL ROAD AND ROCK HAVEN ROAD FROM B-3 TO R-10

Roy Williford, Planning Director, stated that the town had initiated the rezoning of a 2.232-acre parcel described on Tax Map 122, Block A, Lot 5, located at the northwest corner of the intersection of Smith Level Road and Rock Haven Road. The current zoning is B-3 (neighborhood business). The proposed zone is R-10 (residential, 10,000 square feet of land required per dwelling unit). Mr. Williford stated that a petition protesting this zoning district change had been received by the town on November 16, 1989. Therefore, a 3/4th affirmative vote or six affirmative votes will be required to adopt an ordinance for the rezoning of this property.

Mr. Williford stated that the administration recommended that this parcel not be rezoned from B-3 to R-10.

Robin Lackey, Chair of the Planning Board, corrected the Planning Board recommendation to reflect that the Planning Board's vote on this matter had not unanimous to recommend denial, but that Olivia Ludington had voted against the motion.

Randy Danziger spoke against allowing convenience stores in the B-3 zone.

Grainger Barrett, representing Clifton Pendergrass, owner of the property in question, stated that Mr. Pendergrass' property would be more appropriate for a convenience store than the Dot and Dash because of the congestion in that area.

John Forest, a resident of Smith Level Road, expressed concern about the speed of traffic in this area, that a turn lane would be

very dangerous, that there is only high density development on one side of Smith Level Road and that the impact on single-family residents across Smith Level Road from the Pendergrass property should be considered. ~~Should be considered~~ of the Carrboro Business Association, recommended leaving the property zoned B-3 that would allow construction of a convenience store.

Julie Coleman, President of the Smith Level Road Alliance, expressed concern about the traffic on Smith Level Road, that a convenience store on the property in question could be dangerous for pedestrians going to a convenience store, and presented a petition against a convenience store at this location.

Bill Coleman, a resident of 809 Smith Level Road, expressed concern about the speed of traffic on Smith Level Road, that a left turn into a gas station would be very dangerous, and children could be spending spare time hanging out at a convenience store if one was built on the property in question.

David Bell, owner of property on the east side of Smith Level Road directly across from the property in question and speaking on behalf of Mrs. McKnight, owner of property in the vicinity of the property in question, expressed concern over the traffic problems on Smith Level Road and requested that the property in question be rezoned to residential.

Jim Hodgin, one of the parties involved in the purchase of this property, spoke in favor of keeping the B-3 zone and suggested that the speed of vehicles on Smith Level Road be monitored more closely.

Greg Shepard of Shepard Design Associates, stated that Smith Level Road is on the Thoroughfare Plan for widening to five lanes, that a potential businessman would reap from the high volume of traffic on Smith Level Road, and that Mr. Pendergrass that dedicated 15 feet of right-of-way to N.C. DOT along the front of the property in question for the widening of Smith Level Road. Mr. Shepard stated that when the town's Bikeway and Sidewalk Plan is implemented, that will ensure safer pedestrian access to this property.

Bob Brown, a Smith Level Road resident, stated that a B-3 business other than a convenience store on the property in question would be a suitable use of this property. Mr. Brown stated that the Smith Level Road Alliance is not in favor of discouraging business.

Margaret Brown stated that she had not been allowed to speak at the Planning Board's public meeting to discuss the B-3 zone. Mrs. Brown stated that she does not feel the apartment dwellers on Smith Level Road would use a convenience store located on the property in question except for maybe Rock Creek Apt, the pedestrian access to this area is not available, and she does not feel Smith Level Road will ever become a major thoroughfare.

Mary Coselin, a resident of Smith Level Road, spoke against a convenience store on the property in question because of the noise created by such an establishment. Ms. Coselin also spoke against locating any type of business on Smith Level Road.

Don Willhoit, a resident of Heritage Hills, stated that he feels the access to a neighborhood business should be from the neighborhood rather than from Smith Level Road and that a gas station is not needed on this property.

Richard Ellington, a Carrboro resident, stated that if traffic is to be a criteria for whether to allow development, that Main Street should be closed down.

Olivia Ludington stated that traffic will worsen no matter what goes in on the property in question, that bikelanes would help

alleviate some traffic problems on Smith Level Road, turn lanes in both directions are needed, and suggested the establishment of a zone for offices.

Joy Merman, a resident of 106 Woodcrest Drive, expressed concern over the traffic problems on Smith Level Road, expressed concern with the lights and litter associated with a convenience store, and requested that the property in question remain as B-3 but with limited uses.

Steve Chandler, a resident of Ray Road, read a letter from Roy Cole, owner of the Dot and Dash, stating his concern that a convenience store on the property in question would put his store out of business. Mr. Chandler stated that a convenience store at this location would disrupt Smith Level Road.

MOTION WAS MADE BY RANDY MARSHALL 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 FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 2.232 ACRES OF LAND ON THE WEST SIDE OF SMITH LEVEL ROAD AND THE NORTH SIDE OF THE INTERSECTION WITH ROCK HAVEN ROAD FROM B-3 TO R-10," BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (GIST, CALDWELL, GURGANUS) (THIS MOTION FAILED DUE TO THE FACT THAT A PETITION PROTESTING THIS ZONING DISTRICT CHANGE WAS RECEIVED BY THE TOWN WHICH REQUIRED A 3/4TH VOTE OR SIX AFFIRMATIVE VOTES TO ADOPT THE ORDINANCE FOR THE REZONING OF THIS PROPERTY.)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE TOWN STAFF BE DIRECTED TO PREPARE INFORMATION ON THE ESTABLISHMENT OF A NEW B-3 ZONE THAT WOULD ADDRESS THE ISSUES OF LIGHTING DESIGN, SAFETY AND APPEARANCE, ETC. FOR CONSIDERATION BY THE BOARD. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, CALDWELL)

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ANNUAL REPORTS: TRANSPORTATION ADVISORY BOARD, BOARD OF ADJUSTMENT, AND CEMETERY COMMISSION

The Board received annual reports from the Transportation Advisory Board and Cemetery Commission. The annual report from the Board of Adjustment was rescheduled for January 9, 1990.

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BOARD DISCUSSION OF 1990-91 BUDGET ANALYSIS PER COMMUNITY NEEDS PUBLIC HEARING

The Board considered citizen comments received at the community needs public hearing held on December 5, 1989.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE TOWN STAFF PREPARE ESTIMATED COSTS FOR IMPLEMENTATION OF THE SUGGESTIONS RECEIVED AT THE COMMUNITY NEEDS PUBLIC HEARING FOR CONSIDERATION AT THE ANNUAL RETREAT AND THAT THE BUDGET FORMAT BE ALTERED TO INCLUDE WORK LOAD INDICATORS AND DEPARTMENTAL WORK PLANS AND PROGRAM COST BREAKDOWNS. VOTE: AFFIRMATIVE ALL

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RESPONSE TO BOARD'S CONCERNS REGARDING RECENT REVISIONS TO CHAPTER 13 OF THE TOWN CODE

Chris Peterson, Public Works Director, stated that on May 2, 1989, the Board of Aldermen approved revisions to Chapter 13 of the Town Code, dealing with Cemeteries, which had been recommended by the Cemetery Commission. However, the Board expressed several concerns. In response to those concerns, the administration mailed out surveys to other municipalities to ascertain their requirements

on these items.

Mr. Peterson stated that the administration and Cemetery Commission recommend that Chapter 13 remain unchanged at the present time.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY TOM GURGANUS THAT THE RECOMMENDATION OF THE TOWN STAFF AND CEMETERY COMMISSION BE ACCEPTED. (MOTION WITHDRAWN AT THE REQUEST OF ALDERMAN GIST, WHO WISHED TO HAVE THE OPPORTUNITY TO REVIEW THIS MATTER MORE THOROUGHLY.)

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COMMITTEE ASSIGNMENTS FOR BOARD MEMBERS

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT RANDY MARSHALL BE APPOINTED TO THE VACANT SEAT ON THE AGENDA PLANNING COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT HILLIARD CALDWELL, ELEANOR KINNAIRD AND JACKIE GIST BE APPOINTED TO THE TOWN MANAGER EVALUATION COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT HILLIARD CALDWELL, JACKIE GIST AND JAY BRYAN BE APPOINTED TO THE AFFORDABLE HOUSING SUB-COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT JAY BRYAN, JACKIE GIST AND RANDY MARSHALL BE APPOINTED TO THE RETREAT PLANNING COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT HILLIARD CALDWELL BE APPOINTED AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COUNTY HOUSING CORP. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT JAY BRYAN AND RANDY MARSHALL BE APPOINTED AS THE TOWN'S REPRESENTATIVES ON THE ORANGE/CHATHAM COOPERATIVE WORK GROUP. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT TOM GURGANUS BE APPOINTED AS THE TOWN'S REPRESENTATIVE ON THE REGIONAL SOLID WASTE TASK FORCE AND LANDFILL USER'S GROUP. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT FRANCES SHETLEY BE APPOINTED AS THE TOWN'S REPRESENTATIVE TO THE TRIANGLE J COUNCIL OF GOVERNMENTS WITH JAY BRYAN SERVING AS THE TOWN'S ALTERNATE REPRESENTATIVE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT ELEANOR KINNAIRD SERVE AS THE TOWN'S REPRESENTATIVE ON THE TRANSPORTATION ADVISORY COMMITTEE WITH FRANCES SHETLEY SERVING AS THE ALTERNATIVE REPRESENTATIVE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT ELEANOR KINNAIRD BE APPOINTED AS THE TOWN'S REPRESENTATIVE ON THE CONSULTATION AND COORDINATION COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT JAY BRYAN SERVE AS THE LIAISON TO THE BOARD OF ADJUSTMENT. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT RANDY MARSHALL SERVE AS THE LIAISON TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT TOM GURGANUS SERVE AS THE LIAISON TO THE TAB. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACKIE GIST THAT FRANCES SHETLEY SERVE AS THE LIAISON TO THE TAB. VOTE:

AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT RANDY MARSHALL SERVE AS LIAISON TO THE RECREATION AND PARKS COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACKIE GIST THAT FRANCES SHETLEY SERVE AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COUNTY EMERGENCY MEDICAL SERVICES COUNCIL. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT JAY BRYAN SERVE AS LIAISON TO THE APPEARANCE COMMISSION/NEIGHBORHOOD PRESERVATION COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT TOM GURGANUS SERVE AS LIAISON TO THE CABLE T.V. COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT JACKIE GIST SERVE AS LIAISON TO THE HUMAN SERVICES COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT HILLIARD CALDWELL SERVE AS LIAISON TO THE CEMETERY COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACKIE GIST THAT ELEANOR KINNAIRD SERVE AS LIAISON TO THE DOWNTOWN DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

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CANCELLATION OF JANUARY 2ND BOARD MEETING

The administration recommended that the Board consider cancelling the Board meeting scheduled for January 2, 1990, due to the lack of agenda items.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE JANUARY 2, 1990 BOARD MEETING BE CANCELLED. VOTE: AFFIRMATIVE ALL

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APPOINTMENTS TO ANIMAL CONTROL BOARD OF APPEALS

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE ASSISTANT TOWN MANAGER, PUBLIC WORKS DIRECTOR AND ALDERMAN JAY BRYAN SERVE AS THE TOWN'S ANIMAL CONTROL BOARD OF APPEALS AND THAT ALDERMAN HILLIARD CALDWELL SERVE AS AN ALTERNATE BOARD MEMBER. VOTE: AFFIRMATIVE ALL

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

Sarah C. Williamson  
Town Clerk

Eleanor J. Kinnaird  
Mayor