

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 20, 1990 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 Morgan
Town Clerk	Sarah Williamson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF FEBRUARY 13, 1990 BE APPROVED. VOTE: AFFIRMATIVE ALL

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PRESENTATION ON PINWOG

Bill Hutchins, representing The Public Information Network Working Group (PINWOG), made a presentation on the proposal by his group to provide a computer information system to Orange County citizens and local governments. Mr. Hutchins explained how the system would work and stated that the approximate cost for equipment would be \$15,000 in addition to the cost of telephone lines, and personnel costs associated with one-half person.

(No action was taken by the Board on this matter.)

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REQUEST TO SET PUBLIC HEARING/COMMUNITY CENTER

Richard Kinney, the town's Recreation Director, stated that the Board of Aldermen asked that the Community Center issue be brought before it for consideration in setting a public hearing to receive public input on whether to proceed with the project. Mr. Kinney presented a one-page fact sheet proposed to be distributed prior to the public hearing. The Board suggested some minor changes to the fact sheet. Mr. Kinney also stated that a five-page fact sheet would be made available to anyone so requesting and that reference would be made to this five-page report on the one-page fact sheet.

Doris Murrell, Chair of the Parks & Recreation Commission, stated that the Recreation Commission recommended that the fact sheet be distributed through the Recreation Department's usual distribution methods.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING BE SET FOR MARCH 20, 1990 TO RECEIVE PUBLIC INPUT ON THE DEVELOPMENT OF A RECREATION COMMUNITY CENTER FOR THE TOWN, AND THAT THE RECOMMENDATION FROM THE RECREATION COMMISSION ON DISTRIBUTION OF THE FACT SHEET BE ACCEPTED IN ADDITION TO HAVING THE FACT SHEET PLACED ON ROLL OUT CONTAINERS, IF POSSIBLE. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARINGS/CONDITIONAL USE PERMIT REQUEST/MUSIC LOFT

Helen Waldrop, the town's Zoning Administrator, was sworn in by the Town Clerk. Ms. Waldrop stated that Jesse E. Miller, III had requested a conditional use permit for The Music Loft, which would allow the following uses at 116 W. Main Street: 2.110, 2.120, 2.130, 3.110, and 3.120. The parcel is identified as Tax Map 98, Block N, Lot 20 and is zoned B-1G. Ms. Waldrop presented slides of the existing site and the proposed site plan and stated that the

administration recommended approval of the conditional use permit with the following conditions:

- 1) That the existing nonconforming garage be removed prior to issuance of the conditional use permit;
- 2) That a convex mirror be installed in the driveway so that vehicles exiting the rear of the site can see vehicles entering the drive;
- 3) That paving requirements contained in Section 15-296(a) are waived for the parking area at the rear (north) end of the site; and
- 4) That the dumpster shall be located at the rear of the lot. Construction plans shall be approved by the Town Engineer and Public Works Director.

Diana Woolley, Chair of the Planning Board, was sworn in by the Town Clerk. Ms. Woolley stated that the Planning Board recommended approval of the conditional use permit with administration conditions #1, #2, and #3.

Greg Shepard, representing the applicant, was sworn in by the Town Clerk. Mr. Shepard presented a revised site plan showing the relocated dumpster to the rear of the building and requested that if the bike rack is required, that it be located somewhere to the rear of the building. Mr. Shepard stated that if his revised plan were approved, nine parking spaces would be provided. Mr. Shepard stated that the fence on this property could be removed. In addition, Mr. Shepard stated that the applicant had no objection to the convex mirror.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) That the existing nonconforming garage be removed prior to issuance of the conditional use permit.
- 4) That a convex mirror be installed in the driveway so that vehicles exiting the rear of the site can see vehicles entering the drive.
- 5) That paving requirements contained in Section 15-296(a) are waived for the parking area at the rear (north) end of the site.
- 6) That the location of the dumpster be moved to the rear of the building and that the dumpster area in front of the building become two regular parking spaces. Construction plans shall be approved by the Town Engineer, Public Works Director and Landscape

Grounds Supervisor.

7) That a bicycle rack be provided some where on the site.

8) That prior to any clearing along the lot lines, that a survey be made to determine on whose property the existing trees are located.

VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CHANGE ORDINANCE TO CONFORM WITH SIDEWALK POLICY

Julia Trevarthen, the town's Senior Planner, stated that on March 7, 1989, the Board of Aldermen adopted a Sidewalk Policy for the Town of Carrboro with the goal of providing safe pedestrian access to every point within the town limits. Ms. Trevarthen stated that the proposed ordinance amends the Land Use Ordinance to include sidewalk requirements on both sides of arterial streets and adds a new subsection which requires sidewalks in subdivided developments in accordance with the Master Sidewalk Plan.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed amendment.

Carrington Carter, Paster of St. Paul A.M.E. Church, requested that funds be included in next year's budget to install a sidewalk adjacent to the church's parking lot.

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

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CONFORM WITH THE SIDEWALK POLICY FOR THE TOWN OF CARRBORO," BE ADOPTED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/PAYMENTS IN LIEU OF RECREATIONAL FACILITIES

Julia Trevarthen, the town's Senior Planner, stated that this amendment would clarify that the town may accept payments in lieu of recreation facilities or open space when the town has made plans to acquire the necessary land upon which the town may construct facilities that will serve the development making the payments.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed amendment, provided the Town Attorney provide a clarification of the phrase "within a reasonable time."

MOTION WAS MADE BY TOM GURGANUS 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 TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THAT THE TOWN MAY ACCEPT PAYMENTS IN LIEU OF RECREATIONAL FACILITIES WHEN THE TOWN HAS MADE PLANS TO ACQUIRE THE NECESSARY LAND UPON WHICH THE TOWN MAY CONSTRUCT FACILITIES THAT WILL SERVE THE DEVELOPMENT MAKING THE PAYMENTS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/CUL-DE-SAC ISLAND

REQUIREMENTS

Julia Trevarthen, the town's Senior Planner, stated that this amendment allows greater flexibility in cul-de-sac design with respect to landscaped islands. Ms. Trevarthen stated that the administration recommended amending the land use ordinance to allow cul-de-sacs with optional islands, owned and maintained by others.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed amendment with the following modifications:

a. That the third sentence of Subsection 15-217(d) be rewritten to state: "If a developer chooses to provide an unpaved center island in the cul-de-sac, the island shall be landscaped and shall not be dedicated to the public; it shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in Section 15-201."

b. That the second paragraph of Subsection 15-217(d) read as follows: "Asymmetrical cul-de-sacs may be allowed with the approval of the Public Works Director, Town Engineer, Fire Chief, and the applicable permit issuing authorities."

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 TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH DESIGN SPECIFICATIONS FOR CUL-DE-SACS AND TO ENSURE MAINTENANCE OF LANDSCAPED CUL-DE-SAC CENTERS," BE ADOPTED, WITH THE REVISIONS RECOMMENDED BY THE PLANNING BOARD. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (KINNAIRD, BRYAN)

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CHANGE THE TIME FOR SELECTION OF BOARD OF ADJUSTMENT OFFICERS

Julia Trevarthen, the town's Senior Planner, stated that the Board of Adjustment had requested a text amendment to Subsection 15-33(a) of the Land Use Ordinance in order that the terms of officers for the Board of Adjustment will coincide with the terms of appointment to the board. The proposed amendment would allow the selection of Board of Adjustment officers at the Board's first regular meeting in February.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed amendment.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING ARTICLE III OF THE CARRBORO LAND USE ORDINANCE TO CHANGE THE MONTH OF SELECTION OF BOARD OF ADJUSTMENT OFFICERS FROM MAY TO FEBRUARY," BE ADOPTED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/STORM DRAIN PIPE REQUIREMENTS

The Board of Aldermen at its meeting on February 6, 1990 set a public hearing for tonight to consider an amendment to the Land Use Ordinance which would make the Town of Carrboro's drainage standards consistent with N.C. DOT standards. Due to further developments relating to this proposed amendment, the administration withdrew the advertisement for this public hearing,

and requested authorization to bring this matter back before the Board in March to reschedule the public hearing.

It was the consensus of the Board to defer action on this matter back to the town staff.

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APPOINTMENTS TO ADVISORY BOARDS

The following terms expire on the town's advisory boards during the month of February, 1990:

<u>Planning Board</u>	<u>Board of Adjustment</u>
Melva Okun	Clifton Stone
Susan Rodemeir	John Musgrove
David Knight	Margaret Brown
Olivia Ludington	
<u>Transp. Advisory Brd.</u>	<u>Parks &amp; Recreation Com</u>
John Gardner	Bonnie Friedman
	Evie Odom
<u>Cable T.V. Committee</u>	<u>Cemetery Commission</u>
Steve Small	Wallace Womble
Will Ward	Herman Wilson
Alfreda Ramey	
<u>Human Services Commission</u>	<u>Downtown Development Com.</u>
Susan Levine	Gary Phillips
Shirley Jackson	

These positions were advertised and notices were sent to the individuals currently serving. One application was received from Gerald McCarthy for an in-town appointment to the Planning Board. Favorable responses were received from all those currently serving with the exception of John Musgrove (Brd. of Adjustment), Shirley Jackson (Human Services Commission), Olivia Ludington (Planning Board), Margaret Brown (Board of Adjustment), and Gary Phillips (Downtown Development Commission). Olivia Ludington and Margaret Brown have expressed their desire to switch positions on the Planning Board and Board of Adjustment.

The Chairs of the advisory boards recommended the following appointments:

Board of Adjustment - Clifton Stone  
Planning Board - Melva Okun, Susan Rodemeir, David Knight  
Transportation Advisory Board - John Gardner  
Parks & Recreation Commission - Bonnie Friedman, Evie Odum  
Cable T.V. Committee - Steve Small, Alfreda Ramey, Will Ward (if Town Code can be amended to allow out-of-town residents to serve)  
Human Services Commission - Susan Levine  
Cemetery Commission - Wallace Womble, Herman Wilson

Diana Woolley requested that the two out-of-town vacancies on the Planning Board be re-advertised and that a list of residents of the town's extraterritorial planning jurisdiction be compiled to use as a source of advertisement for positions.

MOTION WAS MADE BY FRANCES SHETLEY THAT MARGARET BROWN BE RECOMMENDED TO THE ORANGE COUNTY COMMISSIONERS FOR APPOINTMENT TO AN OUT-OF-TOWN SEAT ON THE PLANNING BOARD. (Motion died for the lack of a second.)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT OLIVIA LUDINGTON BE RECOMMENDED TO ORANGE COUNTY COMMISSIONERS FOR APPOINTMENT TO AN OUT-OF-TOWN SEAT ON THE BOARD OF ADJUSTMENT. (Second withdrawn, therefore

motion died for the lack of a second.)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE FOLLOWING APPOINTMENTS BE MADE:

Clifton Stone - Board of Adjustment  
 Melva Okun, Susan Rodemeir, David Knight - Planning Board  
 John Gardner - Transportation Advisory Board  
 Bonnie Friedman, Evie Odum - Parks & Recreation Commission  
 Steve Small, Alfreda Ramey - Cable T.V. Committee  
 Susan Levine - Human Services Commission  
 Wallace Womble, Herman Wilson - Cemetery Commission

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE BOARD REVIEW THE CURRENT GUIDELINES FOR SELECTION OF ADVISORY BOARD MEMBERS AT ITS MEETING SCHEDULED FOR MARCH 6, 1990. VOTE: AFFIRMATIVE ALL

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REQUEST FROM TOWN ATTORNEY/INTRODUCTION OF SPECIAL LEGISLATION

Mike Brough informed the Board that the General Assembly would be convening on May 21st and asked the Board to think about any special legislation it might wish to have introduced.

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REQUEST FOR REPORT FROM OWASA RE. WATER MONITORING AND FLOW OF POLLUTANTS

Board requested that the town's OWASA representatives present a report to it on the Planning Board's request urging OWASA to implement a regular program of water monitoring of flow and pollutants for the whole University Lake Watershed.

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LOADING ZONE FOR FURNITURE DOCTOR

Board requested that the town staff and Transportation Advisory Brd. prepare a recommendation on whether a loading zone should be established in front of the building owned by the Furniture Doctor on Lloyd Street.

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EXECUTIVE SESSION

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

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There being no further business, the meeting was adjourned.

Sarah C. Williamson  
 Town Clerk

Deane J. Kinward  
 Mayor