

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 22, 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 W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF MAY 15, 1990 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

Alderman Gurganus read a proclamation proclaiming the week of May 20 - 26, 1990 as National Public Works Weeks in the Town of Carrboro.

REQUEST TO SET PUBLIC HEARING/STREET CLOSING REQUEST/LESBIAN AND GAY PRIDE MARCH

The Pride 90 Committee has requested the temporary closing of a portion of Main Street and Weaver Street on Saturday, June 30, 1990 from 12:00 noon to 1:30 p.m. for the 5th Annual Lesbian and Gay Pride March.

The administration requested that a public hearing be set for June 5, 1990 to consider the temporary street closing request.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SET FOR JUNE 5, 1990. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CARR MILL MALL RENOVATION

Helen Waldrop, Zoning Administrator, was sworn in. Ms. Waldrop stated that Hakan/Corley & Associates, Inc. had requested a conditional use permit for 200 N. Greensboro Street (Carr Mill Mall) which would allow additional shops and redesign of the parking lot and landscaping. The parcel is identified as Tax Map 93, Block A, Lot 14 and is zoned B-1C. Ms. Waldrop presented the proposed site plan and slides of the existing site.

Jim Manor, representing the Planning Board, was sworn in. Dr. Manor stated that the Planning Board recommended approval of the conditional use permit with the staff recommended conditions in addition to the following conditions:

1) That traffic right-of-way should have two definite lanes, with marked lines and arrows to facilitate safe traffic flow around the northeastern corner of Harris Teeter.

2) That the proposed bayberry shrubs adjacent to the sidewalk along Weaver Street be removed from the plans.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the TAB recommended approval of the

conditional use permit with the staff recommended conditions in addition to the following conditions:

1) Move the handicapped parking spaces from the current location. Move the two middle spaces over one lane so they align more directly in front of Revco and move the two handicap to the right of those to the right of Carr Mill.

2) The west side sidewalk and bus stop in front of Weaver Street be moved to adjoin each other so that access can be provided directly from the bus stop to the Carr Mill annex.

3) Physical barriers be built to separate the parking lot and the bike path.

4) Have three additional speed bumps in the north rear corner of the Harris Teeter, the portion of Harris Teeter that juts out near loading zone; and at entrance to bicycle path.

Michael Hamersly, with Hakan/Corley and Associates, was sworn in. Mr. Hamersly stated that a new lighting plan would be presented with the construction plans. Mr. Hamersly requested a waiver of the staff recommended condition #12 which states that if at such time the uses of any areas specified in this CUP shall change use category, then all parking requirements must be reviewed and met.

Dan Jewell was sworn in. Mr. Jewell answered the Board's questions about landscaping.

Chuck Millian, Manager of Carr Mill Mall, was sworn in. Mr. Millian answered the Board's questions concerning security in Carr Mill Mall and presented letters from Preservation Tree Service and Green Tree Experts concerning the condition of the oak trees in the Harris Teeter parking lot. Mr. Millian stated that they were concerned with the potential of falling limbs or the trees themselves because of dying limbs and requested that they not be required to retain the two oak trees in the parking lot along N. Greensboro Street. Mr. Millian also presented information on a paver system for the proposed patio.

Paul Greenberg, owner of Carr Mill Mall, was sworn in. Mr. Greenberg stated that the front lawn of Carr Mill had been dedicated for open space but he would not want to dedicate the space to the town or any conservation group. Mr. Greenberg stated that the two trees in question along N. Greensboro Street should be removed at this time because of the condition of those two trees. Mr. Greenberg requested flexibility on the parking requirements.

Mark Zack was sworn in. Mr. Zack answered questions about the Harris Teeter facade.

Susan Hansel, co-owner of A New Attitude, was sworn in. Ms. Hansel spoke in favor of the requested conditional use permit.

Carol Spitten, Manager of Talbots, was sworn in. Ms. Spitten spoke in favor of the requested conditional use permit.

Ruffin Slater, Manager of Weaver Street Market, was sworn in. Mr. Slater spoke in favor of the proposal and urged the Board to influence Duke Power to move the power poles behind Harris Teeter.

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

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

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY 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 landscaping located in the site triangles on N. Greensboro Street meet NCDOT standards for planting to allow vehicles exiting on N. Greensboro Street proper visibility.

4. That the dumpster to the rear of Revco and Harris Teeter be equipped with wheels and additional screening on the south side. An additional trash compactor with wheels should be considered for this area as well.

5. That the light pole that is attached to the tree on the south side of Weaver Street Market to removed.

6. That the patio be constructed on grade using a porous material (not brick) which has been approved by the Grounds Maintenance Supervisor to lessen the effects on the existing 36" oak tree.

7. That the applicant make every effort to seek additional satellite parking.

8. That the applicant/owner agree to work with the Town in providing the necessary easements for the relocation of the bus shelter if deemed necessary by the Town at some future date.

9. That Duke Power be contacted to move the power poles behind Harris Teeter to facilitate safe traffic flow, and that a temporary barrier be constructed around the power poles until such time that the power poles are relocated.

10. That traffic right-of-way should have two (2) definite lanes, with marked lines and arrows to facilitate safe traffic flow around the northeastern corner of Harris Teeter.

11. That the proposed bayberry shrubs adjacent to the sidewalk along Weaver Street be removed from the plans.

12. That the unused curb cuts along N. Greensboro Street be removed and replaced with curb and gutter; and an encroachment agreement be attained from NCDOT regarding storm drains prior to construction plan approval.

13. That directional traffic signs be erected indicating additional parking areas and employee parking areas.

14. That the proposed sidewalk (at the southeastern end southern part of the site) running from Weaver Street to Weaver Street Market be deleted. The sidewalk from Weaver Street to Weaver Street at southwestern corner of site be moved as far as possible out of dripline of existing trees.

15. That if at such time the uses of any areas specified in this CUP shall change use category, then all parking requirements must be reviewed and met.

16. That the handicapped parking spaces be moved from the current location, that the two middle spaces be moved over one lane so they align more directly in front of Revco, and that the two handicapped spaces be moved to the north side of the old mill

building at the corner of the lot adjacent to the brick sidewalk and patio.

17. That the west side sidewalk and bus stop in front of Weaver Street be moved to adjoin each other so that access can be provided directly from the bus stop to the Carr Mill annex.

18. That physical barriers be built to separate the parking lot and the bike path.

19. That three additional speed bumps be installed at the north rear corner of Harris Teeter, at the portion of Harris Teeter that juts out near loading zone; and at the entrance to bicycle path.

20. That the walk in front of Weaver Street Market should be brick/paver on sand or Chapel Hill gravel. Extreme care should be taken not to disturb the root system of the existing trees.

21. That the Type 'A' screen on the Maple Avenue side of the satellite parking be maintained properly.

22. That the applicant investigate ways to discourage bicyclists from using the area between Revco and Carr Mill.

23. That the lighting plan be reviewed and approved by the town staff prior to construction plan approval.

24. That no existing trees or shrubs on the site be disturbed except those specifically noted on the plans.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE TWO EXISTING OAK TREES LOCATED IN THE PARKING LOT ALONG N. GREENSBORO STREET BE REMOVED. VOTE: AFFIRMATIVE TWO, NEGATIVE FIVE (GURGANUS, KINNAIRD, SHETLEY, GIST, BRYAN)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE TWO EXISTING OAK TREES LOCATED IN THE PARKING LOT ALONG N. GREENSBORO STREET BE REMOVED BUT THAT TWO COMPARABLE FOUR-INCH TREES BE REPLANTED AT THE DIRECTION OF THE TOWN'S LANDSCAPER. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (KINNAIRD, SHETLEY, GIST, BRYAN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY FRANCES SHETLEY THAT THE EXISTING OAKS LOCATED IN THE PARKING LOT ALONG N. GREENSBORO STREET REMAIN AND THAT PROPER CARE AND FEEDING OCCUR TO TRY AND SAVE THE TREES. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, GURGANUS, CALDWELL)

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/WESTERN AUTO BUILDING

Helen Waldrop, Zoning Administrator, was sworn in. Ms. Waldrop stated that Renaissance Partners, Inc. had requested a conditional use permit which would allow 3.120 (Office Clerical) uses at 110 E. Main Street (previously Western Auto). The parcel is identified as Tax Map 99, Block C, Lot 7 and is zoned B-1C. Ms. Waldrop presented slides of the existing site and presented the proposed site improvements.

Jim Manor, representing the Planning Board, was sworn in. Dr. Manor stated that the Planning Board recommended approval of the conditional use permit with the staff recommended conditions in addition to the following conditions:

1) That the outside edge of the parking area be hardened per the recommendation of the Public Works Director, Chris Peterson.

2) That the fire escape be replaced if determined by the Fire Chief to be unsafe or inadequate.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the TAB recommended approval of the conditional use permit with the staff recommended conditions in addition to the following condition: That a bike rack to accommodate four bike be located on the property.

Mayor Kinnaird noted that the Appearance Commission recommended approval of the permit with the staff recommended conditions in addition to the following conditions:

1) That the exterior brick be treated chemically and not with sandblasting.

2) That the Commission appreciates the efforts that have been made to develop better parking on this side, however, until the entire parking lot is paved, it does not seem prudent at this time to pave one section of this large parking area. Existing traffic patterns may quickly deteriorate the edge of this paved area; possibly creating a worse situation than currently exists.

Elizabeth Woodman was sworn in. Ms. Woodman spoke in favor of the proposed improvements which will preserve the existing building.

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

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

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL 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 handicapped parking space be moved closer to the building so that better access is provided.

2. That the landscape island be designed with curbing or some other material to delineate the island.

3. That the ditch on the western property line be redefined/improved. Construction plans shall be approved by the Town engineer and the Public Works Director.

4. That the applicant make every effort to seek satellite parking spaces.

5. That the outside edge of the parking area be hardened per the recommendation of the Public Works Director, Chris Peterson.

6. That the fire escape be replaced if determined by the Fire Chief to be unsafe or inadequate.

7. That a bike rack which will accommodate 4 bikes be added.

8. That the applicant be encouraged to replace the front windows with a material similar in appearance to the existing windows.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT PAVING OF THE PARKING LOT NOT BE REQUIRED AND THAT THE BUSINESSES IN THE 100 BLOCK OF E. MAIN STREET MEET WITH THE TOWN'S DOWNTOWN PARKING COMMITTEE TO COME UP WITH A RECOMMENDATION TO REDEFINE THE PARKING LOT BEHIND THE 100 BLOCK FOR JOINT USE AS A TOWN PARKING LOT AND FOR USE BY THE BUSINESSES LOCATED IN THE 100 BLOCK. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (BRYAN, SHETLEY, MARSHALL)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY TOM GURGANUS TO REQUEST THAT THE TOWN STAFF CONSIDER AMENDMENTS TO THE LAND USE ORDINANCE TO RESOLVE THE PARKING PROBLEMS IN THE 100 BLOCK OF E. MAIN STREET AND TO EXPLORE OPTIONS FOR CHANGING THE TOWN'S PARKING POLICY. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO PLANNING BOARD

The Chair of the Planning Board recommended that Margaret Brown and John Rintoul be appointed to out-of-town seats on the Planning Board. Ms. Brown would replace Olivia Ludington on the Planning Board. Mr. Rintoul would fill the remaining vacant out-of-town seat on the Planning Board.

The following resolution was introduced by Alderman Frances Shetley and duly seconded by Alderman Jay Bryan.

A RESOLUTION REQUESTING AN APPOINTMENT TO THE EXTRATERRITORIAL SEAT ON THE CARRBORO PLANNING BOARD Resolution No. 52/89-90

WHEREAS, as a result of the expiration of a term, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's extraterritorial planning jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an out-of-town seat on the Carrboro Planning Board:

Ms. Margaret Brown, 1509 Smith Level Road, Chapel Hill, N.C. 27516, to the out-of-town seat expiring in February, 1993.

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 22nd day of May, 1990:

Ayes: Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: Randy Marshall, Tom Gurganus, Hilliard Caldwell

Absent or Excused: None

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE TOWN CLERK ADVERTISE THE REMAINING EXTRATERRITORIAL PLANNING JURISDICTION SEAT ON THE PLANNING BOARD, REQUESTING THAT RESIDENTS OF THE TRANSITION AREA APPLY FOR THIS POSITION. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (MARSHALL)

AMENDMENTS TO PRIVILEGE LICENSE ORDINANCE

Larry Gibson, Assistant Town Manager, stated that during the 1989 Legislative Session, the N.C. General Assembly ratified House Bill 512 which amended the state license tax statutes. In order to conform the town's license tax ordinance to state license tax legislation, the administration recommended adoption of an ordinance amending the privilege license ordinance, with an effective date of July 1, 1990.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 8, SUBCHAPTER I, ARTICLE II OF THE CARRBORO TOWN CODE TO CONFORM TO HOUSE BILL 512," BE ADOPTED. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO BOARD OF ADJUSTMENT

The Chair of the Board of Adjustment recommended the appointment of James Coile and Richard Ellington to two (2) of the four (4) vacant seats on the Board of Adjustment.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT JAMES COILE, RICHARD ELLINGTON, ALLEN SPALT AND EAROL McCAULEY BE APPOINTED TO IN-TOWN SEATS ON THE BOARD OF ADJUSTMENT. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Frances Shetley and duly seconded by Alderman Jay Bryan.

A RESOLUTION REQUESTING AN APPOINTMENT TO THE
EXTRATERRITORIAL SEAT ON THE CARRBORO BOARD OF ADJUSTMENT
Resolution No. 54/89-90

WHEREAS, as a result of the expiration of a term, it is necessary to appoint a person to a seat reserved on the Carrboro Board of Adjustment with a person residing within the town's extraterritorial planning jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial members to the town's Board of Adjustment.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an out-of-town seat on the Carrboro Board of Adjustment:

Ms. Olivia Ludington, 304 Ray Road, Chapel Hill,
N.C. 27516, to the out-of-town seat expiring in
February, 1993.

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 22nd day of May, 1990:

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

Noes: None

Absent or Excused: None

It was the consensus of the Board to request that the Town Clerk contact James Coile to determine if he would be willing to serve on the Human Services Commission in addition to the Board of Adjustment.

Mayor Kinnaird expressed concern that Will Ward, Chair of the Board of Adjustment and serving in an in-town seat on the Board of Adjustment, had moved out of Carrboro.

Mike Brough stated that the Town Code was unclear about what happens if a member is no longer qualified to serve on a board, but that typically in the past when a board member moved out of town, that member had resigned. Mr. Brough stated that it would seem that Mr. Ward could continue to serve on the Board of Adjustment until he is removed or resigns, but that he could not be considered for re-appointment.

(No Board action was taken on this matter.)

REPORT ON LITERACY PROGRAM FOR TOWN EMPLOYEES

Alderman Gist requested a status report from the town staff on a literacy program for town employees.

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

Sarah C. Williamson
Town Clerk

Eleanor J. Kinnaird
Mayor