

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday⁷⁵ March 12, 1991 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 Attorney	Michael B. Brough
Deputy Town Clerk	James E. Spivey

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF MARCH 05, 1991 AND THE REVISED, ADOPTED MINUTES OF FEBRUARY 26, 1991 BE APPROVED. VOTE: AFFIRMATIVE ALL.

PROCLAMATIONS ISSUED

Mayor Kinnaird read a proclamation proclaiming March 20, 1991 as **GREAT AMERICAN MEATOUT DAY IN CARRBORO**.

Alderman Gist read a proclamation proclaiming March, 1991 as **MENTAL RETARDATION AWARENESS MONTH** in the Town of Carrboro.

Mayor Kinnaird read a proclamation proclaiming March 19, 1991 as **FREEDOM OF INFORMATION DAY** in the Town of Carrboro.

REQUEST TO RESET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW RESTAURANTS WITH DRIVE-THROUGH WINDOWS IN B-1(C) DISTRICT

Francis Chan requested that the Board of Aldermen re-set the public hearing to allow drive-through windows in the B-1(C) zoning district for March 26, 1991.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SET FOR MARCH 26, 1991. VOTE: AYES 6 (KINNAIRD, SHETLEY, GURGANUS, BRYAN, CALDWELL, GIST); NOES 1 (MARSHALL); ABSENT/EXCUSED 0.

TOM GURGANUS MOVED TO REFER THIS ITEM TO THE AGENDA PLANNING COMMITTEE TO DETERMINE A TIME TO SET A PUBLIC HEARING TO ALLOW DRIVE-THROUGH WINDOWS IN THE B-1(C) ZONING DISTRICT. SECONDED BY JACQUELYN GIST. VOTE: AYES 5 (KINNAIRD, GURGANUS, SHETLEY, GIST, BRYAN); NOES 2 (MARSHALL, CALDWELL); ABSENT/EXCUSED 0.

It was the consensus of the Board that the Downtown Development Commission review this item at its March 14, 1991 meeting.

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT CREATING THE OFFICE AND OFFICE/ASSEMBLY ZONING DISTRICTS

The administration requested that a public hearing be set for April 09, 1991 to consider an amendment to the Land Use Ordinance which would create the Office and Office/Assembly zoning districts.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR APRIL 09, 1991. VOTE: AYES 6 (KINNAIRD, MARSHALL, CALDWELL, GIST, SHETLEY, BRYAN); NOES 1 (GURGANUS); ABSENT/EXCUSED 0.

PUBLIC HEARING SET/REQUEST FOR REZONINGS-UNIVERSITY RESEARCH GLASSWARE AND CC DICKINSON COMPANY

The administration requested that a public hearing be set for April 09, 1991 to consider two petitions for change of zoning--one from University Research

Glassware (112 Merritt Mill Road), and one from C.C. Dickinson Co. (110 Merritt Mill Road) from R-2 to B-1(g). The administration also requested that these rezoning requests be referred to the Planning Board for its review and recommendation.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR APRIL 09, 1991 AND THAT THE PROPOSED REQUESTS BE REFERRED TO THE PLANNING BOARD FOR ITS REVIEW AND RECOMMENDATION. VOTE: AFFIRMATIVE ALL.

Alderman Bryan requested that Rebecca Clark be sent notice of the public hearing for this proposed rezoning.

PUBLIC HEARING SET/COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

The administration requested that two public hearings be scheduled to receive citizen input on the town's application for Community Development Block Grant. The administration requests that public hearings be scheduled for April 16, 1991 to receive neighborhood input on community needs and May 07, 1991 to present the proposed application to the public for comment.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT PUBLIC HEARINGS BE SET FOR APRIL 16, 1991 AND MAY 07, 1991. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN THAT AT THE MAY 07, 1991 PUBLIC HEARING, ANY PROPOSED PLANS FOR COMMUNITY DEVELOPMENT SHOULD SHOW THE IMPACT OF ANY ROAD WIDENING TO THE NEIGHBORHOOD AND STAKES SHOULD BE PLACED ON THE PROPERTIES TO INDICATE THE LOCATION OF CURB AND GUTTER. (Motion died for lack of a second.)

PUBLIC HEARING - LAND USE ORDINANCE TEXT AMENDMENT/OWASA EASEMENTS

Mike Brough explained that this public hearing was being held to consider an amendment to the Land Use Ordinance which would require OWASA to obtain conditional use permit approval for the construction or replacement of "major water and sewer lines". Mr. Brough defined "major water and sewer line" and explained what the proposed ordinance amendment entailed. Mr. Brough further explained that a Memorandum of Understanding had been drafted. The proposed draft Memorandum of Understanding would serve to provide an administrative procedure for referring OWASA construction projects to the Board of Aldermen for review and approval.

Ms. Lois Herring, Chairman of the OWASA Board, addressed the Board and focused comments towards the proposed Land Use Ordinance text amendment. Ms. Herring stated that the franchise granted by Carrboro to OWASA on February 22, 1977 legally permits OWASA to function as it does presently. OWASA's General Counsel has advised that OWASA's rights under its franchise agreements for operation of the water and sewer system would be illegally impaired by the proposed ordinance. Pursuing the Memorandum of Understanding is felt to be a better alternative for both parties.

Braxton Foushee, a Carrboro resident, spoke in support of pursuing the development of the Memorandum of Understanding.

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

Alderman Gurganus asked Mr. Brough his opinion in regards to the legality of the proposed Land Use Ordinance amendment.

Mr. Brough explained that the OWASA franchise allows OWASA to execute work within the Town of Carrboro as long as OWASA is not in conflict with adopted Town ordinances. Mr. Brough further explained that the legality and/or illegality of this matter or any matter where such a determination has to be made, would be ultimately determined by a judge.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE TOWN CONTINUE TO PURSUE A MEMORANDUM OF UNDERSTANDING WITH OWASA. VOTE: AFFIRMATIVE ALL.

ARTSCENTER FUNDING

Mr. Morgan explained that anticipated personnel and transportation expenditures would need to be deducted from the 1990-91 contingency account.

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Eileen Helton, General Manager of the ArtsCenter, presented a status report on the ArtsCenter's financial situation. Ms. Helton explained what steps the ArtsCenter was taking to address and alleviate its debt.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE BOARD AUTHORIZE \$3,750 BE TAKEN FROM THE CONTINGENCY FUND AND THAT THREE EQUAL PAYMENTS OF \$1,250 BE MADE FOR RENT PAYMENTS FOR THE ARTSCENTER CONTINGENT ON THE FOLLOWING:

- A. That the ArtsCenter continue to provide a monthly status report on the purchase of the ArtsCenter building or the resolution of that debt.
- B. That the ArtsCenter continues to provide a monthly financial statement to the Town along with any other information requested by the town staff.
- C. That the ArtsCenter continue to provide a balance sheet showing an accounting of funds received from foundations with documentation on how the ArtsCenter will prevent a deficit if the grants are not received.
- D. That the ArtsCenter establish a voucher purchase order system by July 01, 1991.
- E. That the ArtsCenter request a management letter from the ArtsCenter's auditor which discusses internal controls, budget practices, and long-term debt management, and that a copy of this letter be provided to the town.

VOTE: AYES 4 (KINNAIRD, MARSHALL, BRYAN, GIST); NOES 3 (GURGANUS, CALDWELL, SHETLEY); ABSENT/EXCUSED 0.

TAB RECOMMENDATIONS FOR 1991-92 TRANSIT SERVICE

Alex Zaffron, TAB Chairman, presented the Transportation Advisory Board's recommendations for transit services for fiscal year 1991-92.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN TO MAINTAIN THE CURRENT LEVEL OF TRANSIT SERVICE AND REQUEST THAT CHAPEL HILL TRANSIT REVIEW ITS FIXED ROUTE SERVICES AND ATTEMPT TO IMPROVE THE E-Z RIDER CRITERIA POLICIES. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST).

1991-92 TRANSPORTATION IMPROVEMENTS

Sarah Burdick, Transportation Planner, presented a proposed 1991-92 priority list of highway projects needed in Carrboro.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL TO POSTPONE ACTION ON THE 1991-92 TRANSPORTATION IMPROVEMENTS PROJECTS UNTIL AFTER THE APRIL 02, 1991 PUBLIC HEARING ON THE EXTENSION OF OLD FAYETTEVILLE ROAD; REQUEST INFORMATION REGARDING CHAPEL HILL'S PLANS TO WIDEN THE SECTION OF ESTES DRIVE LOCATED IN CHAPEL HILL WITH PARTICULAR EMPHASIS ON THE RAILROAD CULVERT; AND THAT THIS MATTER BE PLACED ON THE APRIL 02, 1991 AGENDA, AFTER THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL.

REQUEST FOR LEFT TURN LANE INTO COMMUNITY PARK

Sarah Burdick, Transportation Planner, made a brief report on requesting NCDOT use discretionary fund to add a left turn lane on NC 54 into Community Park.

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

**A RESOLUTION REQUESTING A LEFT TURN LANE BE ADDED TO
NC 54 AT THE ENTRANCE TO THE COMMUNITY PARK
Resolution No. 35/90-91**

WHEREAS, the Town of Carrboro has been consistently concerned with safety along NC 54; and

WHEREAS, the North Carolina Department of Transportation has agreed to reduce the speed limit from 55 mph to 45 mph along NC 54 from the Community Park to Town; and

WHEREAS, the Town's primary recreation facility is located along this stretch of NC 54; and

WHEREAS, no additional right-of-way is required to add a left turn into the park;

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

Section 1. The Board of Aldermen requests that NCDOT install a left turn lane on NC 54 at the entrance to the Community Park.

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 12th day of March, 1991:

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

Noes: None

Absent or Excused: None

APPOINTMENT TO DOWNTOWN DEVELOPMENT COMMISSION

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT DAVID SUMMER / ~~BE~~ APPOINTED TO THE DOWNTOWN DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL.

The Board requested that the Town Clerk research the Board's minutes to determine the status of adding an additional seat to the Downtown Development Commission.

AMENDMENT TO TOWN CODE/HEALTH INSURANCE

This was the second reading of this proposed ordinance amending the Town Code because the first reading did not receive a two-thirds majority vote.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN CODE (PERSONNEL POLICIES) TO PROVIDE HEALTH INSURANCE BENEFITS FOR LONG-TERM TOWN EMPLOYEES WHO RETIRE BEFORE THE AGE OF 65". VOTE: AYES 4 (MARSHALL, GIST, CALDWELL, KINNAIRD); NOES 3 (GURGANUS, SHETLEY, BRYAN); ABSENT/EXCUSED 0.

The Board reiterated its request, made on March 05, 1991 regarding this matter, that staff present a report at a later date on the financial liability to the town if the town chooses to extend the insurance benefit beyond the age of 65.

REPORT ON COMPLAINT SUBMITTED BY VILLAGE SQUARE HOMEOWNERS ASSOCIATION REGARDING CAROLINA CLEANERS

Helen Waldrop, Zoning Administrator, presented a report on the staff findings regarding the complaint lodged against Carolina Cleaners by the Village Square Homeowners Association.

Charlie Nelson, owner of Carolina Cleaners, gave a brief chronology of events regarding the parcel of land located at 127 Fidelity Street.

Bob Moser, representing the Village Square Homeowners Association, voiced the concerns of the homeowners.

Mr. Nelson and the Homeowners Association were willing to receive consultation from the Dispute Settlement Center.

The Board requested a follow-up report from staff after the consultation with the Dispute Settlement Center.

JOINT STORMWATER PROJECT GROUP APPLICATION PROGRAM

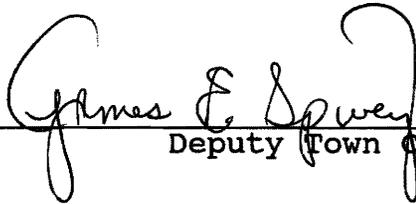
Mr. Morgan informed the Board that the United States Environmental Protection Agency (EPA) had issued final regulations on stormwater management and their effect on the town's public facilities. Because the fee for National

Pollutant Discharge Elimination System Permits are so expensive, the League of Municipalities and the Association of County Commissioners have received approval to co-sponsor a Joint Stormwater Project Group Application. The single fee would cost \$15,000 - \$25,000. The group application fee would be done in phases and the first phase fee would cost \$150. Mr. Morgan stated that he had entered into agreement with the group application.

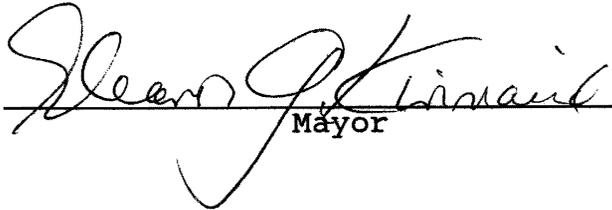
MEETING WITH CHARLES G. LOWDERMILK

Mr. Morgan informed the Board that Mr. Lowdermilk, N.C. Department of Transportation, would be available to meet and discuss transportation issues during the week of March 18, 1991 - March 22, 1991. Mr. Morgan would finalize location and time details and contact the Board to arrange a date and time for this meeting to transpire.

There being no further business, the meeting was adjourned.



Deputy Town Clerk



Mayor