

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 19, 1991 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Jacquelyn Gist
	Jay Bryan
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

Absent:

Alderman	Randy Marshall
----------	----------------

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF MARCH 12, 1991 BE APPROVED WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL

ISSUANCE OF CHARGE TO NEW BOARD APPOINTEE

The Town Clerk issued a "charge" to David Summers, a recent appointee to the Downtown Development Commission.

PROCLAMATIONS

Mayor Kinnaird read proclamations proclaiming March 22nd Arbor Day and March 21st as Agriculture Day in the Town of Carrboro.

LETTER FROM SISTER CITY

Mayor Kinnaird read a letter from Saratov, Russia.

PUBLIC HEARINGS SET

(1) Voluntary Annexation Request/Teal Property

The administration recommended that the Board of Aldermen adopt a resolution setting a public hearing for April 2, 1991 to consider a petition for annexation submitted by Ralph and Harlene Teal. This property is non-contiguous to the Town of Carrboro and is located at the southeast corner of Smith Level Road and Culbreth Road and contains 1.2 acres.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
ANNEXATION OF PROPERTY OWNED BY RALPH AND HARLENE TEAL
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 33/90-91

WHEREAS, the Town of Carrboro has received a petition from Ralph and Harlene Teal requesting that their property located at the southeast corner of Smith Level Road and Culbreth Road 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 April 2, 1991 to consider the voluntary annexation of the property owned by Ralph and Harlene Teal and located at the southeast corner of Smith Level Road and Culbreth Road.

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 19th day of March, 1991:

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

Noes: None

Absent or Excused: Randy Marshall

(2) Request for Rezoning/Ralph and Harlene Teal Property

The administration requested that a public hearing be set for April 2, 1991 to consider a petition for change of zoning from Ralph and Harlene Teal. This property is located on Tax Map 122, Block B, Lot 23 and contains approximately 1.2 acres. This property is currently zoned residential by Chapel Hill; however, now that it is being annexed into Carrboro, the property must be rezoned to a Carrboro zoning district. The town staff is recommending it be rezoned from Chapel Hill R-2 to Carrboro R-10.

The administration also requested that this matter be referred to the Planning Board for its review and recommendation.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT A PUBLIC HEARING BE SET FOR APRIL 2, 1991 AND THAT THIS MATTER BE REFERRED TO THE PLANNING BOARD AND TRANSPORTATION ADVISORY BOARD FOR REVIEW AND RECOMMENDATION. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/STREET CLOSING REQUEST BY WEAVER STREET MARKET TO ACCOMMODATE THE EARTH DAY 1991 CELEBRATION

Chris Peterson, Public Works Director, stated that Weaver Street Market had requested the closing of Weaver Street from the Main Street intersection to the North Greensboro Street intersection from 11:30 a.m. to 4:30 p.m. on Saturday, April 20th (rain date: April 27th) to accommodate Earth Day 1991 activities. Mr. Peterson stated that the administration recommended approval of the request with conditions outlined in the resolution.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING
OF PART OF WEAVER STREET
TO ACCOMMODATE THE EARTH DAY 1991 CELEBRATION
Resolution No. 39/90-91

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The following street shall be temporarily closed on Saturday, April 20, 1991 (Raindate: Saturday, April 27, 1991) from 11:30 a.m. to 4:30 p.m. to accommodate the Earth Day 1991 Celebration. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code:

Weaver Street from the Main Street intersection to the Greensboro Street intersection

Section 2. The town administration shall provide the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. The applicant, Weaver Street Market, shall provide two (2) representatives to assist the town administration with the installation of the traffic control devices referred to in Section 2 of this resolution.

Section 4. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 5. The applicant, Weaver Street Market, shall be responsible for providing adequate trash receptacles for this event.

Section 6. The applicant, Weaver Street Market, shall be responsible for notifying Central Communications when the street(s) are closed and when re-opened to vehicular traffic.

Section 7. The town administration shall deliver and assemble the town's stage on Friday, April 19th, and unassemble and remove the stage at the conclusion of the event on Saturday, April 20th.

Section 8. The applicant, Weaver Street Market, shall be responsible for the employment of the number of off-duty officers deemed necessary (two (2)) by the Board to provide security, crowd control, and traffic control.

Section 9. 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 19th day of March, 1991:

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

Noes: None

Absent or Excused: Randy Marshall

TOWN CODE AMENDMENT EXEMPTING CARRBORO BAPTIST CHURCH HOMECOMING FROM PUBLIC HEARING REQUIREMENTS TO TEMPORARILY CLOSE PART OF GREENSBORO STREET

The administration recommended that the Carrboro Baptist Church Homecoming become exempt from the notice of public hearing requirements set forth in Section 7-19(a) of the Town Code.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 7 OF THE CARRBORO TOWN CODE TO EXEMPT THE CARRBORO BAPTIST CHURCH HOMECOMING FROM NOTICE OF PUBLIC HEARING REQUIREMENTS," BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

TOWN CODE AMENDMENT TO ALLOW SKATEBOARDING ON TOWN STREETS UNDER SOME CIRCUMSTANCES

The administration recommended adoption of an ordinance which would allow skateboarding on town streets other than the most heavily travelled streets so long as such operation is not carried on recklessly, if the Mayor and Board of Aldermen wished to amend the current ordinance.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROVIDE THAT SKATEBOARDS AND SIMILAR DEVICES MAY BE OPERATED ON TOWN STREETS OTHER THAN THE MOST HEAVILY TRAVELLED STREETS SO LONG AS SUCH OPERATION IS NOT CARRIED ON RECKLESSLY," BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

DOWNTOWN DEVELOPMENT COMMISSION RECOMMENDATIONS/DOING BUSINESS WITH CARRBORO

Andy Jones, Chair of the Downtown Development Commission, presented the Downtown Development Commission's recommendations on "Doing Business with Carrboro." Mr. Jones stated that the Commission recommended the following solutions to concerns voiced by business people at the Doing Business with Carrboro forums:

1. That the Zoning Ordinances be changed so that conditional and special use permits are used where important, but are not required for low-impact, change-of-use (but permitted use) small business projects.
2. That the Zoning Ordinances be altered so small businesses and small developers are given more latitude to improve properties incrementally instead of all at once.
3. That the town staff's attitude and conduct be improved by providing professional training in "communication skills" and "positive relations with the public."

4. That the process be revised to have a first "sketch plan" review instead of requiring every last detail initially.
5. That the Board of Aldermen charge the staff to be facilitators in the permitting process for small businesses.
6. That the permitting process be simplified and refined so lay people can understand it and so applicants are given a concise, clear and dependable schedule of staff response.

Mr. Jones stated that the Downtown Development Commission also recommended that a joint worksession be held with the Board of Aldermen to discuss the Doing Business with Carrboro report.

Alderman Bryan urged the Board to hold a public hearing to allow the non-business public to comment on and respond to the Downtown Development Commission's report before the Board makes any decisions on the report.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE DOWNTOWN DEVELOPMENT COMMISSION'S REPORT BE ACCEPTED AND THAT A JOINT WORKSESSION BE SCHEDULED BETWEEN THE BOARD OF ALDERMEN AND DOWNTOWN DEVELOPMENT COMMISSION AS SOON AS POSSIBLE ON A NON-BOARD MEETING NIGHT TO DISCUSS THE REPORT. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT TO CLARIFY THE LEGALLY PERMITTED PUNISHMENT FOR CERTAIN ORDINANCE VIOLATIONS

The administration recommended that the Board of Aldermen adopt an ordinance amending the Town Code to clarify the legally permitted punishment for certain ordinance violations.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO CLARIFY THE LEGALLY PERMITTED PUNISHMENT FOR CERTAIN ORDINANCE VIOLATIONS," BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

REQUEST FOR SPECIAL LEGISLATION TO INCREASE VEHICLE TAX

Mr. Morgan requested that the Board consider seeking authorization from the Legislature to increase the vehicle fee to \$15.00. Mr. Morgan stated that he would recommend to only increase this fee to \$10.00 in 1991-92.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN ATTORNEY BE AUTHORIZED TO REQUEST THE LEGISLATURE TO INCREASE THE VEHICLE FEE TO \$15.00. VOTE: AFFIRMATIVE ALL

SPECIAL LEGISLATION/IMPACT TAX

Mike Brough informed the Board that Orange County is currently considering a package of special legislation to include the impact tax on new development whereby Orange County would establish a district and Chapel Hill and Carrboro would be able to levy impact taxes on new developments. The funds would be collected by this district and redistributed to the respective towns in accordance with where the money is generated and could be used for purposes set forth in the legislation.

It was the consensus of the Board to request the Agenda Planning Committee to schedule a discussion of the impact tax legislation.

BUDGET AMENDMENT

Pursuant to the Board's action on March 12, 1991, the administration requested adoption of a budget ordinance amendment transferring \$3,750 from the Contingency Fund to cover ArtsCenter rent payments for April, May and June, 1991.

MOTION WAS MADE BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'90-91 BUDGET ORDINANCE," BE ADOPTED. (MOTION DIED FOR THE LACK OF A SECOND.)

It was the consensus of the Board to have this item placed on the Board's agenda for March 26, 1991. **85**

REPORT ON IMPROVEMENTS TO SIMPSON STREET

Mr. Morgan informed the Board that the town's Public Works Department has cut back the brush along the right-of-way in the curve on Simpson Street and will be erecting signs warning motorists of the curve. Mr. Morgan stated that additional speed limit signs will also be erected.

COMPLAINTS REGARDING CVI (CABLE T.V.)

The Board requested that CVI be notified that the Board is very dissatisfied with the recent service provided by them. Specifically, the Board stated that it had received complaints from citizens during the recent Carolina basketball game when the cable went out. The Board requested that a copy of the letter expressing the Board's dissatisfaction be sent to CVI's corporate office.

REQUEST FOR WEEKLY REPORT ON STATE BUDGET CUTS

Alderman Bryan requested that the town staff provide a weekly report to the Board of Aldermen on State cuts in revenues to the town.

CELEBRATION TO WELCOME HOME TROOPS FROM OPERATION DESERT STORM

Mayor Pro Tem Caldwell requested authorization to join with the Town of Chapel Hill in planning a celebration to welcome home troops from Operation Desert Storm.

It was the consensus of the Board to authorize Alderman Caldwell to meet jointly with Chapel Hill officials to plan a celebration.

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



Mayor



Town Clerk