

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 9, 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 Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF APRIL 2, 1991 BE APPROVED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

REPORT ON ARBOR DAY CEREMONY

Mayor Pro Tem Caldwell stated that he had participated in the Arbor Day ceremony on March 22, 1991 at which time Fred White with the N.C. Forestry Service had presented the town with its Tree City U.S.A. Award and a tree was planted at the town's Public Works Facility.

\*\*\*\*\*

PUBLIC HEARING/REZONING OF UNIVERSITY RESEARCH GLASSWARE AND CC DICKSON PROPERTIES

Julia Trevarthen, the town's Senior Planner, stated that University Research Glassware, located at 112 Merritt Mill Road, and C.C. Dickson, located at 110 Merritt Mill Road, had submitted petitions requesting the rezoning of their properties from R-2 to B-1(g). Ms. Trevarthen stated that the administration recommended that the Board of Aldermen grant the rezoning requests and rezone both the University Research Glassware and the C.C. Dickson properties from R-2 to B-1(g) with the Residential High Density and Commercial Overlay.

Bill Farthing, representing C.C. Dickson Co., spoke in favor of the proposed rezoning and stated that he felt the new zone would be more appropriate for this property.

Mike Brough reminded the Board that the rezoning of this property could not be based on a specific use of the property.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS 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 HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 2.51 ACRES OF LAND LOCATED ALONG THE WEST SIDE OF MERRITT MILL ROAD FROM R-2 (RESIDENTIAL, MINIMUM 2,000 SQUARE FT. PER DWELLING UNIT) WITH THE RESIDENTIAL HIGH DENSITY AND COMMERCIAL OVERLAY TO B-2(G) (GENERAL BUSINESS) WITH THE RESIDENTIAL HIGH DENSITY AND COMMERCIAL OVERLAY," BE ADOPTED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

PUBLIC HEARING/CONDITIONAL USE PERMIT/FAST FARE RECONSTRUCTION

Helen Waldrop, the town's Zoning Administrator, was sworn in. Ms. Waldrop stated that Envirotek, Inc. had applied for a conditional use permit for the reconstruction of the Fast Fare located at 1401 West Main Street, Tax Map 114, Lot 10A. The property is zoned B-3. Ms. Waldrop presented the proposed site plan and answered the Board's questions. Ms. Waldrop stated that the administration recommended approval of the conditional use permit with conditions.

Jim Manor, representing the Planning Board, was sworn in. Dr. Manor stated that the Planning Board recommended approval of the conditional use permit with two conditions--(i) that prior to construction plan approval, final grading and drainage plans be field verified and approved by the town's engineer and NCDOT; and (ii) that the existing fire hydrant remain operable until NCDOT connects the new hydrant that is to be located near the entrance/exit onto W. Main Street. Dr. Manor stated that Margaret Brown had voted against issuance of the permit.

Frances Shetley, representing the Transportation Advisory Board, stated that the TAB recommended approval of the conditional use permit with the town staff's recommendations in addition to the following condition: That the most prominent signage which is allowed in the ordinance be located at the entrances to NC 54; "No Left Turn" and "Exit Only" at the western entrance, and "Entrance Only" at the eastern entrance.

Michael Majewski, representing Crown, was sworn in. Mr. Majewski presented photographs of a station similar to what will be built in Carrboro, pointed out additional landscaping requested by the Appearance Commission, presented plans showing the facade of the proposed building, and explained the proposed lighting plan. In addition, Mr. Majewski stated that the developer will be coming back to the town in the near future with a request for the sign permit.

Mike Malone, with Crown Petroleum, was sworn in. Mr. Malone stated that the line of convenience products will be reduced in the proposed facility.

Negest Kinte, owner of property on James Street, was sworn in. Ms. Kinte expressed concern that people doing business at Fast Fare might park on James Street and walk across the street. In addition, Ms. Kinte expressed concern that the Fast Fare and the proposed post office would cause increased traffic on James Street.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS 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 THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

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 prior to construction plan approval, final grading and drainage plans must be field verified and approved by the Town of Carrboro's engineer and the N.C. Department of Transportation;
- 4) That the existing fire hydrant remain operable until the N.C. Department of Transportation connects the new hydrant that is to be located near the entrance/exit onto West Main Street.
- 5) That plantings be included along the side of the building nearest NC 54 Bypass and to the rear of the building. The building will be constructed of red brick and the columns on the canopy will be clad in red brick.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE MOST PROMINENT SIGNAGE WHICH IS ALLOWED IN THE ORDINANCE BE LOCATED AT THE ENTRANCE TO NC 54; "NO LEFT TURN" AND "EXIT ONLY" AT THE WESTERN ENTRANCE, AND "ENTRANCE ONLY" AT THE EASTERN ENTRANCE. THESE SIGNS SHALL BE

ERECTED PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, GURGANUS, KINNAIRD)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD RECONSIDER GRANTING THE CONDITIONAL USE PERMIT. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, GURGANUS, KINNAIRD)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JACQUELYN GIST THAT THE FOLLOWING CONDITION BE ADDED TO THE CONDITIONAL USE PERMIT: THAT THE MOST PROMINENT SIGNAGE WHICH IS ALLOWED IN THE ORDINANCE BE LOCATED AT THE ENTRANCE TO NC 54; "NO LEFT TURN" AND "EXIT ONLY" AT THE WESTERN ENTRANCE, AND "ENTRANCE ONLY" AT THE EASTERN ENTRANCE. THESE SIGNS SHALL BE ERECTED PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, GURGANUS, KINNAIRD)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE FOLLOWING CONDITIONS BE ADDED TO THE CONDITIONAL USE PERMIT IN ADDITION TO THE TWO BOILER PLATE CONDITIONS:

- 1) That prior to construction plan approval, final grading and drainage plans must be field verified and approved by the Town of Carrboro's engineer and the N.C. Department of Transportation;
- 2) That the existing fire hydrant remain operable until the N.C. Department of Transportation connects the new hydrant that is to be located near the entrance/exit onto West Main Street.
- 3) That plantings be included along the side of the building nearest NC 54 Bypass and to the rear of the building. The building will be constructed of red brick and the columns on the canopy will be clad in red brick.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE CONDITIONAL USE PERMIT BE GRANTED SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

Alderman Bryan requested that the town staff bring back to the Board consideration of guidelines for the B-3 district specifically covering canopies.

\*\*\*\*\*

#### REVOLVING LOAN FUND APPLICATION/S&B DISCOUNT BEAUTY SUPPLIES

James Harris, the town's community/economic development officer, stated that the town had received an application for funds from the Carrboro Revolving Loan Fund from S&B Discount Beauty Supplies. The loan, in the amount of \$20,000, would be used to renovate the shop space at 304-B East Main Street to include a small beauty salon, purchase equipment, and to purchase inventory. Mr. Harris stated that the administration recommended approval of the loan request for six years at 7% with a balloon payment at year three with conditions.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE APPROVED WITH THE FOLLOWING CONDITIONS:

- 1) That evidence of a signed, satisfactory lease agreement be provided;
- 2) That proper signed and executed assignment papers be provided;
- 3) That all applicable licenses and permits be obtained;
- 4) That an employer I.D. number be obtained; and
- 5) That property owned by the applicants and located on Old School Road be added as collateral.

VOTE: AFFIRMATIVE ALL

Mr. Harris suggested that the Board consider not taking personal homes as collateral for loans from the Revolving Loan Fund and asked that the Board consider removing the personal homes as collateral on the S&B Discount application.

It was the consensus Board to request that the Downtown Development Commission look at the issue of whether personal residences should be used as collateral for Revolving Loan Fund applications.

[No action was taken by the Board to remove the personal homes for the S&B Discount Beauty Supplies' application.]

\*\*\*\*\*

**AGREEMENT TO PROVIDE THE TOWN OF CHAPEL HILL WITH SPECIFIC INSPECTION SERVICE**

Roy Williford, the town's Planning Director, stated that the administration recommended that the Board of Aldermen adopt a resolution authorizing the Town Manager to execute a contract with the Town of Chapel Hill to provide inspections services relating to a building owned by a member of the Chapel Hill Inspections Department.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Tom Gurganus.

A RESOLUTION APPROVING AN AGREEMENT  
FOR THE TOWN OF CARRBORO TO PROVIDE INSPECTIONS SERVICES  
RELATING TO A BUILDING OWNED BY A MEMBER OF  
THE CHAPEL HILL INSPECTIONS DEPARTMENT  
Resolution No. 42/90-91

WHEREAS, the Town of Chapel Hill has requested the Town of Carrboro to provide inspections services related to a building owned by a member of the Chapel Hill Inspections Department; and

WHEREAS, the Town of Carrboro has agreed to provide such assistance in accordance with the terms of the attached agreement; and

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

Section 1. The Town Manager is authorized to execute the attached contract relating to the provision of inspection services to the Town of Chapel Hill by the Town of Carrboro's Building Inspection Department.

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 9th day of April, 1991:

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

Noes: Hilliard Caldwell (Mr. Caldwell voted against this resolution because it was his desire to have the resolution be broader in nature to allow the Town of Carrboro to provide inspection services to the Town of Chapel Hill at other times in the future upon request.)

Absent or Excused: None

\*\*\*\*\*

**MEETING WITH LEGISLATIVE DELEGATION**

Mr. Morgan informed the Board that he would be contacting the Towns of Chapel Hill and Hillsborough to determine if they wish to meet jointly with Carrboro and the legislative delegation on April 30th to discuss bills affecting Orange County.

\*\*\*\*\*

**REQUEST FOR REPORT ON STATUS OF WORK ON CONDOMINIUMS ON THOMAS LANE**

Alderman Bryan requested a status report on the repairs to the condominiums on Thomas Lane.

Mike Brough stated that he would provide status report at the Board's next meeting.

\*\*\*\*\*

**RESOLUTION REQUESTING THE LEGISLATURE TO INCREASE THE TAX ON TOBACCO AND ALCOHOL PRODUCTS**

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Jay Bryan.

A RESOLUTION REQUESTING THE N.C. LEGISLATURE  
TO INCREASE THE TAX ON TOBACCO PRODUCTS AND ALCOHOLIC BEVERAGES  
Resolution No. 38/90-91

WHEREAS, our State Legislature is proposing drastic cuts in funds to local jurisdictions; and

WHEREAS, when the inventory tax was cut by the Legislature, the jurisdictions were promised they would not suffer through loss of necessary funds which had gone to them previously; and

WHEREAS, the local jurisdictions have relied on the ad valorem tax heavily to provide necessary services to its citizens; and

WHEREAS, the burden upon our citizens is becoming increasingly difficult to bear, especially for our lower-income homeowners; and

WHEREAS, our education system is suffering such that we are not able to provide an adequate, not to say excellent, education for our children; and

WHEREAS, the State of North Carolina is facing a one billion dollar shortfall in this budget session; and

WHEREAS, there is a source of revenue available which every other state in the Union has used which has not burdened its citizens unduly; and

WHEREAS, this source of revenue is fair and equitable and will bring in needed relief to our towns and citizens; and

WHEREAS, the State of North Carolina has not taken full advantage of this source to equitably relieve our homeowners of their tax burdens.

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

Section 1. The Board of Aldermen calls on the N.C. Legislature to raise the tax on tobacco manufacturing and products and on alcoholic beverages to a level which will bring in a sufficient level of revenue to relieve the tax burden on our local citizens to take care of the most pressing needs.

Section 2. The tax on tobacco products and alcoholic beverages shall pass through to local jurisdictions to replace the loss of funds from the inventory tax.

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 9th day of April, 1991:

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

Noes: None

Absent or Excused: None

\*\*\*\*\*

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

Sarah C. Williamson  
Town Clerk

Eleanor Kinnaird  
Mayor