

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, ²⁰³
 December 3, 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: NOVEMBER 26, 1991

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF NOVEMBER 26, 1991 BE APPROVED. VOTE: AFFIRMATIVE ALL

APPROVAL OF ABSTRACTS OF VOTES CAST AT NOVEMBER 5, 1991 ELECTION

ABSTRACT OF VOTES CAST FOR MAYOR AND BOARD OF ALDERMEN, TOWN OF CARRBORO, NORTH CAROLINA AT A GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 5, 1991 AT THE PLACES APPOINTED BY LAW FOR HOLDING ELECTIONS IN SAID TOWN

ELECTION PRECINCT	MAYOR			BOARD OF ALDERMEN							
	ELEANOR KINNAIRD			JAY BRYAN	NATE DAVIS	RANDY MARSHALL	ROBERT A PROCTOR	CHARLES L RIGGSBEE	FRANCES SHETLEY		
DOGWOOD ACRES	43			22	17	20	13	18	27		
LIONS CLUB	219			190	55	138	46	164	201		
NORTH CARRBORO	415			516	55	393	68	365	438		
OWASA	208			153	57	124	38	93	171		
TOWN HALL	177			162	38	120	23	103	154		
TRANSFER	9			9	3	8	3	7	7		
ABSENTEE	17			13	1	12	3	6	13		
TOTAL	1088			1065	226	815	194	756	1011		

ABSTRACT OF VOTES

CAST FOR AND AGAINST THE \$2,150,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS,
TOWN OF CARRBORO, NORTH CAROLINA AT AN ELECTION HELD ON TUESDAY, NOVEMBER 5, 1991
AT THE PLACES APPOINTED BY LAW FOR HOLDING ELECTIONS IN SAID TOWN.

	YES	NO			
ELECTION PRECINCT					
DOGWOOD ACRES	32	16			
LIONS CLUB	128	178			
NORTH CARRBORO	206	488			
OWASA	137	101			
TOWN HALL	113	118			
TRANSFER	4	10			
ABSENTEE	9	10			
TOTAL	629	921			

STATE OF NORTH CAROLINA, Orange COUNTY.

We, the undersigned, the County Board of Elections for said County, having opened, canvassed and judicially determined the original returns of the election in the several precincts in this County, held as above stated, do hereby certify that the above is a true abstract thereof and contains the number of legal ballots cast in each precinct for the office named,

Given under our hands, this 7th day of November

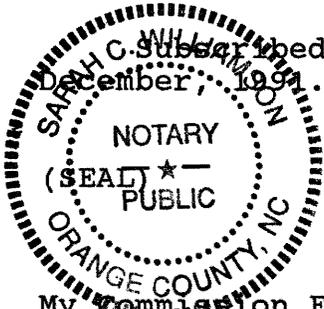
Rappana E. Faust
Rappana E. Faust
Diane D. Brown
 County Board of Elections.

NORTH CAROLINA

ORANGE COUNTY

"I, Eleanor G. Kinnaird, do hereby affirm that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Mayor of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

Eleanor G. Kinnaird
Eleanor G. Kinnaird



Subscribed and sworn to before me this the 3rd day of December, 1994.
My Commission Expires: 7/22/95

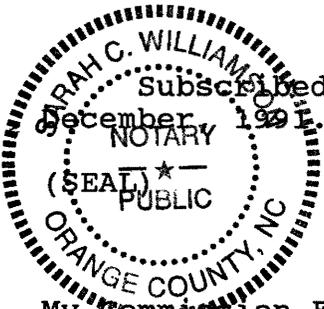
Sarah C. Williamson
Notary Public

NORTH CAROLINA

ORANGE COUNTY

"I, Frances Lloyd Shetley, do hereby solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

Frances Lloyd Shetley
Frances Lloyd Shetley



Subscribed and sworn to before me this the 3rd day of December, 1994.
My Commission Expires: 7/22/95

Sarah C. Williamson
Notary Public

NORTH CAROLINA

ORANGE COUNTY

"I, Julian Randolph Marshall, Jr, do hereby solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

Julian Randolph Marshall Jr
Julian Randolph Marshall, Jr.

Subscribed and sworn to before me this the 3rd day of December, 1991.

Sarah C. Williamson
Notary Public



My Commission Expires: 7/22/95

NORTH CAROLINA

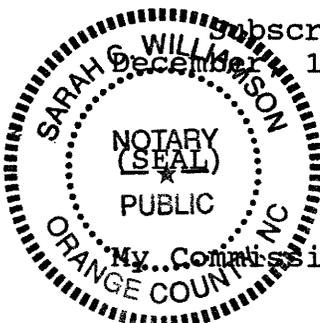
ORANGE COUNTY

"I, James T. Bryan, III, do hereby solemnly swear that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the Office of Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me, God."

James T. Bryan III
James T. Bryan III

Subscribed and sworn to before me this the 3rd day of December, 1991.

Sarah C. Williamson
Notary Public



My Commission Expires: 7/22/95

Mayor Kinnaird, Aldermen Shetley, Marshall, and Bryan commented on their plans and expectations while serving as Mayor and Aldermen of the Town of Carrboro.

APPOINTMENT OF MAYOR PRO TEM

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT HILLIARD CALDWELL BE APPOINTED MAYOR PRO TEM. VOTE: AFFIRMATIVE ALL

COMMITTEE ASSIGNMENTS

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE FOLLOWING COMMITTEE ASSIGNMENTS BE MADE:

1. Agenda Planning Committee - Jacquelyn Gist (term to expire on 12/31/94)
2. Orange Community Housing Corp. - Hilliard Caldwell
3. Regional Solid Waste Task Force and Landfill Owners Group - Tom Gurganus
4. Triangle J Council of Governments - Frances Shetley (Delegate), Mayor Kinnaird and Jay Bryan (Alternate Delegates)
5. Transportation Advisory Committee (TAC) - Frances Shetley (Delegate), Tom Gurganus (Alternate Delegate)
6. Board of Adjustment Liaison - Jay Bryan
7. Planning Board Liaison - Frances Shetley, Jacquelyn Gist (Alternate)
8. Transportation Advisory Board Liaison - Frances Shetley
9. Recreation & Parks Commission Liaison - Randy Marshall
10. Orange County Emergency Medical Services Council - Hilliard Caldwell
11. Appearance Commission Liaison - Jay Bryan
12. Cable T.V. Committee Liaison - Tom Gurganus
13. Human Services Commission Liaison - Jacquelyn Gist
14. Cemetery Commission Liaison - Hilliard Caldwell
15. Downtown Development Commission Liaison - Mayor Kinnaird

VOTE: AFFIRMATIVE ALL

REQUEST FOR RESOLUTION HONORING JIMMY WALLACE

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT A RESOLUTION BE PREPARED FOR THE BOARD'S CONSIDERATION HONORING THE LATE JIMMY WALLACE. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/ZONING MAP AMENDMENT REZONING PROPERTIES ALONG THE WEST SIDE OF LAUREL AVENUE FROM R-7.5 TO B-2

In September, 1991, Margaret Davis petitioned the Board of Aldermen to consider rezoning her property located at 104 Laurel Avenue from R-7.5 to B-2. The Board referred this request to the town staff. Staff is preparing a report concerning the possible rezoning of all the properties along the west side of Laurel Avenue south of Town Hall and north of Jones Ferry Road from R-7.5 to B-2.

The administration recommended that a public hearing be scheduled for December 17, 1991 to consider the rezoning of these properties. In addition, the administration recommended that the Board refer this matter to the Planning Board for its review and recommendations.

Roy Williford commented on why the town staff was recommending that all the properties along the west side of Laurel Avenue be included in the proposed rezoning.

Julia Trevarthen, the town's Senior Planner, commented on why the petitioner was seeking rezoning of her property.

MOTION WAS MADE BY FRANCES SHETLEY THAT A PUBLIC HEARING BE SET ON THIS MATTER FOR DECEMBER 17, 1991. (MOTION DIED FOR THE LACK OF A SECOND.)

It was the consensus of the Board that this matter be sent back to the town staff with the request for additional information on the purpose of rezoning the property at 104 Laurel Avenue. In addition, that the Police Department provide a report to the Board on the criminal activity in the area of the proposed rezoning.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/CHANGES TO SIGN ORDINANCE

This was a public hearing to receive comments on proposed changes to the sign ordinance which would affect provisions dealing with freestanding signs, campaign or political signs, and temporary signs. The administration recommended approval of the proposed amendments.

Julia Trevarthen, the town's Senior Planner, explained the proposed amendments.

It was the consensus of the Board to exempt political signs from the setback requirements of the ordinance, but that political signs not be allowed to be attached to utility poles, trees located within any right-of-way, or signs or other fixtures erected, constructed, or owned by any governmental agency.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH SIGNS," BE ADOPTED WITH THE DELETION OF SECTIONS 4 AND 5 DEALING WITH POLITICAL SIGNS. VOTE: AFFIRMATIVE ALL

CITIZEN REQUEST FOR LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW USED CAR SALES IN THE B-3 ZONING DISTRICT

Julia Trevarthen, the town's Senior Planner, stated that the town has received a request from C.A. McFarling for a change in the Table of Permissible Uses of the Land Use Ordinance to allow used car sales in the B-3 zoning district.

The administration requested that the Board of Aldermen indicate whether or not it wishes for the town staff to prepare a Land Use Ordinance text amendment for the Board's consideration.

It was the consensus of the Board to request that the town staff prepare a report on how this use could be accommodated at Star Point.

CONSIDERATION OF IMPROVEMENTS TO JAMES AND LORRAINE STREETS

Sarah Burdick, the town's Transportation Planner, explained the options for improvements to James and Lorraine Streets as necessitated by the post office proposal.

Mike Brough discussed a memorandum that he had written to the Board concerning the use of four-way stops signs as a way of slowing traffic through neighborhoods. Mr. Brough stated that his recommendation would be for the Board to request the General Assembly to amend General Statute 136-30(b) to clarify that the lack of conformity of a municipality's traffic control devices with the Manual on Uniform Traffic Control Devices does not constitute in and of itself evidence of a city's negligence.

Alex Zaffron, Chair of the Transportation Advisory Board, stated that the TAB recommended that:

1. Lorraine Street be realigned at its current width to create a right angle intersection with the Post Office driveway on James Street;
2. A traffic light be installed at James/Main Street with pedestrian activated signal heads and an audible beep. This signalized intersection should have a painted crosswalk on Main to the east of James (currently shown on town plans), and a painted crosswalk across James Street;
3. NCDOT provide a pedestrian crosswalk across NC 54 to Carrboro Plaza with pedestrian activated signals with audible beep, possibly at the west side of the Main/NC 54 intersection, though other locations can be considered;
4. The painted pavement markings on Main Street be changed from what is currently shown on the U-2003 plans to indicate a right turn lane/bus pull off area instead of the dedicated bus lane and the pull off should have a curb cut. Further, that the TAB strongly recommends that James Street remain at its current width and that the tree buffer be preserved;
5. At this time, a paved walkway be constructed behind the existing tree barrier along James Street between Main and the Post Office driveway and that a row of vegetative screening be planted between the walkway and the postal property so that in the event that a future widening of James Street is necessary, a buffer will already be in place;
6. The TAB supports the use of stop signs as proposed by the neighborhood group, with the possible relocation of the two stops on James at the Post

Office entrance, provided the legal aspect currently being reviewed has been resolved. These signs serve many purposes other than speed control in neighborhood, children safety, and dispersal of traffic among them; and

7. The TAB endorsed the general recommendations suggested by the town staff in regard to a connector roads plan, but adds that any connector roads plan should be considered in conjunction with consideration of small area planning. This should emphasize the creation of neighborhood street networks which provide multiple access and contribute to the absorption of traffic created by new development.

Charlie Finley requested that trees be planted on the south side of the Post Office drainage pond and at the far side of the Post Office entrance. That according to GS 136-66-1(4) the town can expend its funds to improve State streets. Mr. Finley explained the anticipated traffic problems at the James/Main Street intersection when the Main Street road improvements are completed. Stated that he did not feel curb and gutter at the James/Main intersection is necessary at this time. Would like a traffic light at this intersection. Would like to have placement of the sidewalk on the right side of James Street pursued. Would prefer a paved walkway behind the tree buffer on the Post Office site. That the neighborhood supports Alternative #1 which would realign the James/Lorraine intersection. Disagreed with the memo from the Police Chief that the department is currently controlling speeding in the neighborhood and presented information showing that 85% of the vehicles travelling on James Street were running at least 10 miles over the speed limit. Would like to see road extensions to Old Fayetteville Road to prevent cut through traffic through the Plantation Acres neighborhood.

Mike Robinson, a resident of 402 James Street, spoke in favor of stops signs in the Plantation Acres neighborhood and does not want James Street widened. Would urge placement of stops signs in the neighborhood prior to January 1, 1992. Is concerned with speeders on James Street by cut through vehicles. Suggested educating neighborhoods of speed limits in to other neighborhoods.

John Van Fleet, a resident of 403 Lorraine Street spoke in favor of the realignment of Lorraine and James Streets, suggested a four-way stop at that intersection and would like to see the sidewalk on James placed behind the tree buffer on the Post Office site constructed with Chapel Hill gravel. Mr. Van Fleet also spoke in favor of stops signs on James Street.

M.C. Russell, a resident of 120 Carol Street, stated that four-way stops will not slow traffic but will deter traffic. Would like to see stop signs and requested a traffic signal at the James/Main intersection.

Allan Spalt, a resident of 300 James Street, spoke in favor of stop signs on James Street.

Heidi Perry, a member of the Transportation Advisory Board, stated that the TAB was very much in favor of stop signs in the Plantation Acres neighborhood, that a four-way stop or signal is needed at Lorraine and James to provide safe pedestrian access to the Post Office. And, that there is a speeding problem on James Street.

Fay Duncan, a resident of 401 Lorraine Street, spoke in support of a traffic light at James and Lorraine and would like to see traffic redirected out of the neighborhood. Ms. Duncan stated that there is no place for pedestrians to walk on Lorraine Street.

Chris Leonard, a resident of 100 Mary Street, spoke in favor of stop signs to slow traffic and would like to see pedestrian access to the shopping center.

Dani Daniell stated that she would like to see stop signs on James Streets.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE PAINTED PAVEMENT MARKING ON MAIN STREET BE CHANGED FROM WHAT IS CURRENTLY SHOWN ON THE U-2003 PLANS TO INDICATE A RIGHT TURN LANE/BUS PULL-OFF AREA INSTEAD OF THE DEDICATED BUS LANE AND THE PULL OFF SHOULD HAVE A CURB CUT. THAT THERE BE A TURNING RADIUS AT THIS INTERSECTION FROM JAMES STREET ONTO MAIN STREET TO ACCOMMODATE TRAFFIC, BUT THAT THE RADIUS SHOULD NOT RESULT IN THE WIDENING OF JAMES STREET. AND, THAT THERE NOT BE A RIGHT TURN LANE ON JAMES STREET. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT LORRAINE STREET BE RE-ALIGNED AT ITS CURRENT WIDTH TO CREATE A RIGHT ANGLE INTERSECTION WITH THE POST OFFICE DRIVEWAY ON JAMES STREET IN ACCORDANCE WITH THE TOWN STAFF'S ALTERNATIVE #1. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT A CROSS-WALK BE PAINTED ACROSS MAIN STREET ON THE EAST SIDE OF JAMES STREET AND ACROSS JAMES STREET AT THE INTERSECTION OF MAIN STREET. VOTE: AFFIRMATIVE ALL

21 MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE TOWN STAFF CONTACT CHARLES LOWDERMILK AND REQUEST A MEETING WITH HIM ON THE FOLLOWING:

1. THAT THE TOWN SUPPORTS INSTALLATION OF A TRAFFIC SIGNAL WITH A PEDESTRIAN ACTIVATED SIGNAL HEAD AND AUDIBLE BEEP AT THE INTERSECTION OF JAMES AND MAIN STREETS AS WELL AS A PEDESTRIAN ACTIVATED SIGNAL HEAD AND AUDIBLE BEEP ON N.C. 54 AT CARRBORO PLAZA.
2. THAT THE TOWN WISHES FOR NCDOT TO REVIEW THE INTERSECTION OF JAMES AND MAIN STREET WITH THE FAST FARE DRIVEWAY TO DETERMINE WHAT IMPROVEMENTS COULD BE MADE TO THAT INTERSECTION TO MAKE IT SAFER.
3. THAT THE TOWN REQUESTS TURNING RADIUS IMPROVEMENTS AT THE INTERSECTION OF JAMES AND MAIN STREETS.
4. THAT THE TOWN REQUEST TRAFFIC SIGNALS AND CROSSWALKS.

VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Jay Bryan and seconded by Alderman Hilliard Caldwell.

A RESOLUTION REQUESTING THE N.C. LEAGUE OF MUNICIPALITIES
TO INITIATE AND SUPPORT AN AMENDMENT TO G.S. 136-30
Resolution No. 21/91-92

WHEREAS, the 1991 General Assembly amended Section 136-30(b) to state in part that all traffic signs and other traffic control devices placed on a municipal street system must conform to the Manual on Uniform Traffic Control Devices for Streets and Highways that is published by the U.S. Department of Transportation; and

WHEREAS, the Board of Aldermen believes that this statute needs to be amended to clarify that lack of conformity with the manual shall not, in and of itself, constitute evidence of a city's negligence.

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

Section 1. The Board requests the N.C. League of Municipalities to initiate and support an amendment to G.S. 136-30 to clarify that the lack of conformity of a municipality's traffic control devices with the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation, does not constitute in and of itself evidence of a city's negligence. The Board further requests that the law be clarified to specify that only the physical characteristics of such traffic signs and other traffic control devices that must conform to the Uniform Manual, and that the law does not require conformity with recommendations in the Uniform Manual relating to where such devices may be placed.

Section 2. Copies of this resolution shall be sent to the town's legislative delegation, the Chapel Hill Town Council and the Orange County Board of Commissioners.

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 3rd day of December, 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 JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE TOWN STAFF PREPARE A REPORT ON REPLACING THE BUFFER ON THE SOUTH SIDE OF THE DRAINAGE POND ON THE POST OFFICE SITE AND THE FAR SIDE OF THE POST OFFICE ENTRANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE TOWN STAFF REPORT BACK TO THE BOARD ON THE POSSIBILITY OF PLACING A SIDEWALK ON THE EAST SIDE OF JAMES STREET RUNNING FROM THE INTERSECTION OF JAMES AND MAIN TO LORRAINE STREET AND THAT THE AFFECTED PROPERTY OWNERS BE CONTACTED PRIOR TO THAT REPORT COMING BACK TO THE BOARD. AND, THAT THE PLANNING BOARD AND TAB REVIEW THIS MATTER PRIOR TO IT GOING BACK TO THE BOARD. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SCHEDULED FOR DECEMBER 17, 1991 TO CONSIDER WHETHER OR NOT TO ADOPT A STOP SIGN PLAN FOR THE PLANTATION ACRES NEIGHBORHOOD. THIS PLAN CREATES 3-WAY

AND 4-WAY STOP INTERSECTIONS IN THE AREA OF TOWN BETWEEN SIMPSON STREET, OLD FAYETTEVILLE BOARD, HILLSBOROUGH ROAD AND NC 54/MAIN STREET. THE BOARD ²¹¹ WISHES TO RECEIVE COMMENTS ABOUT THE USE OF 3-WAY AND 4-WAY STOP SIGNS IN GENERAL WITHIN THE TOWN. VOTE: AFFIRMATIVE ALL

Alderman Marshall pointed out for the record that the Police Department's goal for next year is provide 100 hours per month on traffic enforcement.

CANCELLATION OF DECEMBER 24TH BOARD MEETING

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE DECEMBER 24, 1991 MEETING OF THE BOARD OF ALDERMEN BE CANCELED. VOTE: AFFIRMATIVE ALL

1992 PLANNING RETREAT TOPICS

Alderman Gist stated that the Retreat Planning Committee was requesting that Board members provide a list of topics they wish to have discussed at the 1992 Planning Retreat to the Town Clerk on December 10th.

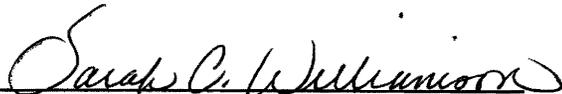
REPRESENTATION ON CCC

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT MAYOR KINNAIRD ASK THE CCC TO ALLOW CARRBORO TO HAVE ONE ADDITIONAL REPRESENTATIVE. VOTE: AFFIRMATIVE ALL

REVISIONS TO QUARTERLY CALENDAR

Due to the scheduling of the public hearing on stop signs for December 17th, the Board requested that all items scheduled for the December 17th Board meeting be rescheduled with the exception of the public hearing on needs assessment and the revolving loan fund grant for Francis Chan.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE MEETING BE ADJOURNED AT 12:45 A.M. VOTE: AFFIRMATIVE ALL


Town Clerk


Mayor