

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 20, 1992 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 JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE MINUTES OF OCTOBER 06, 1992 BE APPROVED. VOTE: AFFIRMATIVE ALL.**

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**CHARGE ISSUED**

The Deputy Town Clerk issued a charge to Gina Powell, a recent appointee to the Human Services Advisory Commission.

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**PUBLIC HEARING/REZONING REQUEST--610 JONES FERRY ROAD**

Julia Trevarthen, the town's Senior Planner, stated that this was a public hearing for the Board to consider a request to rezone property located at 610 Jones Ferry Road from an R-3 zone designation to an O zone designation and to receive citizen input. Ms. Trevarthen reviewed the request and stated that the administration recommended that the rezoning request be approved.

Robin Lackey, Chair of the Planning Board, presented and explained the Planning Board's recommendation.

**MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL.**

**MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE ONE LOT (APPROXIMATELY 3.62 ACRES) LOCATED AT 610 JONES FERRY ROAD FROM R-3 (RESIDENTIAL, MINIMUM 3,000 SQUARE FEET PER DWELLING UNIT) TO O (OFFICE)" BE ADOPTED. VOTE: AFFIRMATIVE ALL.**

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**PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT MAKING AUTOMOBILE REPAIR SHOPS OR BODY SHOPS PERMISSIBLE USES IN THE B-1-G AND CT ZONING DISTRICTS**

Julia Trevarthen, the town's Senior Planner, stated that it had been requested that the Board of Aldermen consider amending the Carrboro Land Use Ordinance to make use 9.400, automobile repair shop or body shop, a permissible use in the downtown zoning district. Currently this use is permitted only in the B-3-T, B-4, M1, and M2 zoning districts. Ms. Trevarthen reviewed the text amendment which would allow this use in the B-1-G and CT zoning districts with a conditional use permit.

Ms. Trevarthen explained that while the Administration is sympathetic to the concerns of existing owners of downtown nonconforming auto use businesses and their desire to be made conforming, it cannot recommend adoption of the proposed text amendment for the following reasons.

First, the proposed amendment is in direct conflict with policies for downtown development as expressed in the Town of Carrboro Year 2000 Task Force Report and adopted by the Board of Aldermen in 1989. The Board has taken no action since that time which would indicate that it wished to abandon or change these policy goals for downtown development.

Second, allowing 9.400 auto uses as a right in the B-1-G and CT zoning districts would have the effect of making approximately half of the existing nonconforming downtown auto uses conforming with respect to the Table of Permissible Uses. Nonetheless, existing auto repair businesses which are

nonconforming in other ways besides use (such as lot size, parking, density, etc.) would still be considered to be nonconforming situations under the Land Use Ordinance.

Lastly, the Administration is concerned that opening the CT and especially the B-1-G to 9.400 auto uses will result in a number of new auto use businesses locating in areas which already has a significant number of auto uses relative to the zone's size.

Monica Nees, a member of the Downtown Development Commission (DDC), stated that the DDC needed more time to review the proposed text amendment and to allow more members of the DDC to be present during the discussion of this matter.

The Board requested that the recommendations from the DDC should follow the same format as the other advisory boards/commissions; namely, the motion should indicate the members present and absent for voting purposes, the motion should be very specific as to what the DDC is voting on.

Robin Lackey, Chair of the Planning Board, reviewed and explained the Planning Board's recommendation.

Al Townsend, owner of Al's Garage, addressed the Board stating that the restrictions placed on non-conforming uses impacts negatively on one's ability to expand the use, to address environmental and aesthetic concerns appropriately, to secure financing, to incorporate new technological advances into their business, and does not allow long-term property assurance.

Monica Nees, speaking as a citizen, spoke in favor of allowing auto uses in the downtown with strict regulations for environmental and aesthetic standards.

Mayor Kinnaird read the following excerpt from a letter written by Ted Abernathy, Director of the Orange County Economic Development Commission, into the Minutes: "The Board feels strongly that these businesses should be made conforming, to allow for their continued existence, improvement, and expansion to serve local residents."

**MOTION WAS MADE BY JACKIE GIST AND SECONDED BY JAY BRYAN THAT THIS PUBLIC HEARING BE CONTINUED UNTIL THE BOARD OF ALDERMEN'S NOVEMBER 24, 1992 MEETING. VOTE: AYES 3 (Gist, Bryan, Marshall); NOES 4 (Gurganus, Caldwell, Kinnaird, Shetley).**

**MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MAKE 9.400, AUTOMOBILE REPAIR SHOP OR BODY SHOP, A PERMISSIBLE USE IN THE B-1-G AND CT ZONING DISTRICTS; MAKING ALL 9.400 USES SUBJECT TO THE PERFORMANCE STANDARDS LISTED IN ARTICLE XI; AND CHANGING THE PARKING STANDARDS FOR ALL 9.400 USES" BE ADOPTED WITH THE FOLLOWING CHANGES:**

- 1) ALL REFERENCES TO THE "CT" ZONING DISTRICT ARE DELETED FROM SECTIONS 1, 3(a), AND 3(b).
- 2) ALL REFERENCES TO THE "CT" ZONING DISTRICT ARE DELETED FROM REMAINING SECTIONS OF THE ORDINANCE.

**VOTE: AYES 6 (Marshall, Gurganus, Caldwell, Kinnaird, Shetley, Gist); NOES 1 (Bryan); ABSENT/EXCUSED 0.**

Alderman Gist requested that the minutes show that she cast an affirmative vote with great reluctance.

Alderman Bryan requested that the minutes show that his negative vote was cast because of his strong support of allowing the DDC time to review the proposed ordinance at their next scheduled meeting.

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#### FOLLOW-UP REPORT ON EMPLOYEE COMMITTEE RECOMMENDATION

Julia Trevarthen, Chair of the Employee Committee, informed the Board that the proposed ordinance regarding annual leave and the proposed compensatory time policy had been reviewed by the employees, department heads, and the administration and all parties involved supports the proposed ordinance and the compensatory time policy. Ms. Trevarthen explained that the ordinance required a vote from the Aldermen but the compensatory time policy could be implemented administratively.

**MOTION WAS MADE BY JACKIE GIST AND SECONDED BY RANDY MARSHALL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN**

CODE TO ADD TWO ADDITIONAL DAYS OF ANNUAL LEAVE". VOTE: AYES 5 (Marshall, Caldwell, Kinnaird, Gist, Bryan); NOES 2 (Gurganus, Shetley); ABSENT/EXCUSED 0.

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REQUEST FOR RELEASE OF BACK TAXES

The town has received a request from Robyn and Jake Gardner of 1604 North Greensboro Street requesting relief of back taxes owed on their property back to 1987.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACKIE GIST THAT THE BACK TAXES FOR ROBYN AND JAKE GARDNER BE FORGIVEN FOR THE LAST FIVE (5) YEARS. VOTE: AYES 4 (Caldwell, Kinnaird, Gist, Bryan); NOES 3 (Marshall, Gurganus, Shetley); ABSENT/EXCUSED 0.

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NOTE: Alderman Caldwell requested that the Agenda order be changed to allow the presentation of the audit report to take place now. This request was not supported.

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SHEARON HARRIS NUCLEAR PLANT DISASTER PLAN

Robert Swiger, Fire Chief, presented a report on Carrboro's involvement in the event of an accident at the Shearon Harris Nuclear Plant.

Nick Waters, Director of Orange County EMS Services, answered questions of the Board regarding a possible accident at the Shearon Harris Nuclear Plant.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACKIE GIST THAT:

1. THE AGENDA PLANNING COMMITTEE SCHEDULE A MEETING TO CONTINUE THIS DISCUSSION.
2. THAT A REPRESENTATIVE OF THE ORANGE COUNTY EMERGENCY MANAGEMENT OFFICE BE INVITED TO ATTEND THE AFOREMENTIONED MEETING TO DISCUSS AN EVACUATION PLAN FOR ORANGE COUNTY.
3. THAT CHIEF SWIGER BE PRESENT AND PREPARED TO DISCUSS THE WARNING POLICY FOR CARRBORO.

VOTE: AFFIRMATIVE ALL.

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PRESENTATION OF AUDIT FOR FY '91-92

Beth Atkinson, representative of Deloitte and Touche presented the audit report for fiscal year 1991-92.

The Board received the report.

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PARKING ALONG CENTER AND SHORT STREETS

Roy Williford, Planning Director, stated that a business owner had voiced concern regarding parking along the sides of Short Street which is one of the streets which transfer trucks use while servicing his business. Mr. Williford informed the Board that "No Parking" signs already exist on Center Street. Mr. Williford also informed the Board that no input had been solicited from the residents of Center Street regarding this matter.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE SECTION 6-19(b)(1)", WITH DELETION OF ALL REFERENCES TO CENTER STREET AND THAT STAFF SOLICIT INPUT FROM THE CENTER STREET RESIDENTS. VOTE: AFFIRMATIVE ALL.

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CANCELLATION OF NOVEMBER 03, 1992 BOARD MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE BOARD OF ALDERMAN'S NOVEMBER 03, 1992 MEETING BE CANCELED. VOTE: AFFIRMATIVE ALL.

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DISCUSSION OF COALITION FOR PUBLIC TRANSPORTATION

It was the consensus of the Board to delay discussion of this matter until a later date.

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TIN TOP - INTERN'S ROLE

The Board requested that a status report be given regarding the role of a Planning Department student intern in the tutorial program being developed for the Tin Top community.

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RE-CALL LEGISLATION

Alderman Gurganus questioned whether the town has a recall procedure for elected officials. The Board requested that the town attorney investigate developing re-call legislation for the Town of Carrboro.

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MOTION WAS MADE BY JACKIE GIST AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED at 11:15 PM. VOTE: AFFIRMATIVE ALL.

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Deputy Town Clerk

  
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Mayor