

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 14, 1993 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Michael Nelson
	Randy Marshall
	Hank Anderson
	Frances Shetley
	Jacquelyn Gist
	Jay Bryan
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY FRANCES SHETLEY THAT THE MINUTES OF DECEMBER 7, 1993 BE APPROVED. VOTE: AFFIRMATIVE ALL

CERTIFICATE OF APPRECIATION PRESENTED

Mayor Kinnaird presented a certificate of appreciation to Charles Riggsbee for his service to the town while serving on the Planning Board.

PROCLAMATION ISSUED

Alderman Gist read a proclamation proclaiming December 15, 1993 as Bill of Rights Day in the Town of Carrboro.

REQUEST FOR CONDITIONAL USE PERMIT MODIFICATION/ARCADIA

Giles Blunden, representing the Arcadia Subdivision, requested that the Board allow the Arcadia Subdivision to have an 18 foot bridge as opposed to the approved 22 foot bridge. Mr. Blunden cited aesthetic and environmental reasons for the request, in addition to cost savings.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THIS MATTER BE REFERRED TO THE TOWN STAFF WITH SPECIAL ATTENTION BY THE FIRE CHIEF AND POLICE CHIEF AND THAT THE STAFF PROVIDE JUSTIFICATION FOR THE WIDER BRIDGE. IN ADDITION, THAT THIS MATTER BE PLACED ON THE JANUARY 4, 1994 AGENDA. VOTE: AFFIRMATIVE ALL

REQUEST FROM FRIENDS FOR A CARRBORO LIBRARY

Barbara Dewey, the current President of the Friends for a Carrboro Library, requested that the Board proceed with locating a branch library in Carrboro and requested that the town hall space needs study include locating a branch library in the large open space on the second floor of town hall.

It was the consensus of the Board to refer this matter to the Agenda Planning Committee to schedule for Board discussion and that a copy of Ms. Dewey's comments made at tonight's meeting be provided to the Board.

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION/CLIFTON PENDERGRASS PROPERTY

Clifton Pendergrass has submitted a petition for the voluntary annexation of his property located at the intersection of his property located at the intersection of Rock Haven Road and Smith Level Road. The property is contiguous to the town limits and consists of 2.23 acres. The administration recommended adoption of a resolution setting a public hearing for January 4, 1994 on this request for annexation.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Michael Nelson.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER
THE ANNEXATION OF PROPERTY OWNED BY CLIFTON PENDERGRASS
UPON THE REQUEST OF THE PROPERTY OWNER
Resolution No. 32/93-94

WHEREAS, the Town of Carrboro has received a petition from Clifton Pendergrass, the owner of the property located at the corner of Rock Haven Road and Smith Level Road, requesting that his property 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 January 4, 1994 to consider the voluntary annexation of the Clifton Pendergrass property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill News 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 14th day of December, 1993:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT ALLOWING WATER DEPENDENT STRUCTURES WITHIN WATERSHED BUFFER AREAS IN THE WATERSHED ZONING DISTRICTS

Roy Williford, Planning Director, stated that this was a public hearing to consider an amendment to the Carrboro Land Use Ordinance which would define water dependent structures and exempt them from setback requirements in the watershed zoning districts.

John Green, Engineering Manager for OWASA, explained that the improvements being made at University Lake are having to be done to meet the requirements of the Federal Dam Safety Act which required OWASA to make certain modifications to the existing dam structure. The saddle dam where the picnic tables were located is being raised between eight and nine feet in elevation. As a result of the dam being raised has meant that the warden's office, the docks and the parking facilities are having to be relocated. The proposed siting of the warden's office will allow an observation point for the warden to oversee the lake. Mr. Green stated that OWASA feels the proposed improvements meet the intent of the regulation which is to preserve water quality. Minimal clearing has been done on the site, basically limited to the parking lot and the building site. The grading has been done so that the run-off from the area around the building and parking lot will drain away from the lake and discharge below the dam. The impervious surface is about one-fourth of what is allowable under the current ordinance. The contract for the dam improvements was awarded in June, 1993 and the contractor is just about completed the improvements to the dam itself and is ready to proceed on the recreation facilities as soon as approval is obtained. Mr. Green stated that it is OWASA's goal to have the recreation facilities reopened in late spring of 1994. Mr. Green stated that they have connected to a pump station which serves the blood lab which discharges back to the public sewer system. The sewer lines are located outside of the watershed. Mr. Green stated that he assumed the dock material was made out of salt treated material.

Steve Chandler, a resident of 402 Ray Road, urged the Board to do whatever possible to speed up the improvements at University Lake. Mr. Chandler stated that it is not safe for boaters with small children at Cane Creek because of the open topography of the lake if the wind picks up.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW WATER DEPENDENT STRUCTURES WITHIN WATERSHED BUFFER AREAS," BE ADOPTED WITH REVISIONS. (SECTION 100.1 WOULD READ: WATER DEPENDENT STRUCTURE. A PUBLICLY-OWNED STRUCTURE, THE USE OF WHICH REASONABLY REQUIRES ACCESS OR PROXIMITY TO OR SITING WITHIN SURFACE WATERS IN ORDER TO FULFILL ITS BASIC FUNCTION. WATER DEPENDENT STRUCTURES ARE BOAT RAMPS, BOAT HOUSES, A LAKE WARDEN'S OFFICE, DOCKS, AND BULKHEADS. ANCILLARY FACILITIES SUCH AS RESTAURANTS, RETAIL OR WHOLESALE OUTLETS FOR BOAT SUPPLIES, PARKING LOTS, AND COMMERCIAL BOAT STORAGE AREAS ARE NOT WATER DEPENDENT STRUCTURES. SUBSECTION 15-184(G) WOULD READ: NOTWITHSTANDING THE FOREGOING PROVISIONS, THE PERMIT ISSUING AUTHORITY MAY AUTHORIZE THE CROSSING OF A DESIGNATED BUFFER AREA BY A STREET, BIKEWAY, SIDEWALK, WATER OR SEWER LINE OR PUMP STATION, OR WATER DEPENDENT STRUCTURE UNDER THE CIRCUMSTANCES SPECIFIED IN SUBSECTION 15-184(g) OR (H). VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT/OWASA

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that the Orange Water and Sewer Authority has applied for a conditional use permit which would allow the construction of a warden's office in the University Lake Watershed. Mr. Williford presented slides of the existing site and the proposed site plan.

John Green was sworn in. (See the previous agenda item for Mr. Green's comments concerning the conditional use permit.)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE APPLICATION 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 SUBMITTED TO THE ZONING 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 A MILDEW RESISTANT VARIETY OF CREPE MYRTLE BE USED.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON THAT THE APPLICATION BE GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

AWARD OF BID/SANITATION VEHICLE

The town has received bids for a 25-cubic yard refuse collection vehicle. The administration recommended that the bid be awarded to Lodal-South, Inc. for a total cost of \$121,203.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE BID BE AWARDED TO LODAL-SOUTH FOR A TOTAL COST OF \$121,203. VOTE: AFFIRMATIVE ALL

RESOLUTION AUTHORIZING THE SALE OF ITEMS OF TOWN SURPLUS PERSONAL PROPERTY BY PRIVATE SALE

As a result of the Board's request, Chief Callahan reported that the seven officers within the police department whose weapons are being replaced had

been contacted and that five of those officers have stated that they intend to purchase their weapons from the weapons dealer after they have been transferred to the dealer by the town. Chief Callahan stated that he had been unable to contact anyone from the State Department of Wildlife who would give an answer concerning their desire or ability to purchase the weapons.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE SEVEN (7) WEAPONS IN POSSESSION OF THE POLICE DEPARTMENT BE DECLARED AS SURPLUS PROPERTY AND AUTHORIZED THE TOWN TO TRADE-IN FIVE OF THE WEAPONS TO THE GUN DEALER. THESE FIVE WEAPONS WOULD THEN BE SOLD TO FIVE OFFICERS WITH THE POLICE DEPARTMENT AND THE REMAINING TWO (2) WEAPONS WOULD BE RETAINED BY THE POLICE DEPARTMENT FOR LATER DISPOSITION. THE BOARD REQUESTED THAT \$320.00 BE TAKEN FROM THE CONTINGENCY FUND TO COVER THE TRADE-IN COST FOR THE TWO WEAPONS BEING RETAINED BY THE TOWN. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Jay Bryan.

A RESOLUTION AUTHORIZING BY PRIVATE SALE AT A NEGOTIATED
PRICE SURPLUS PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT
Resolution No. 31/93-94

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorizes the Town to dispose of personal property; and

WHEREAS, the Town desires to dispose of certain items of surplus property in the possession of the Police Department.

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

Section 1. The following items of town property are hereby declared surplus:

Quantity	Description	Sale #
7	Revolvers - S&W .357, Model 686 Serial #'s (as follows)	
	AFR2781	1
	AEZ0129	2
	AEZ9902	3
	AUL6307	4
	AFE9341	5
	BFB6644	6
	AEY7432	7

Section 2. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 in accordance with statutory requirements.

Section 3. The proceeds of the sale shall be applied as trade-in towards the purchase of the replacement weapons.

Section 4. It shall be a condition of sale that the weapons shall be picked up and removed from Police Department premises by the purchaser. Purchaser shall bear sole expense of removal, although Police Department personnel will be made available if needed to facilitate removal.

Section 5. This resolution shall become effective upon adoption.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of December, 1993:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

PARKING AT THE CAT'S CRADLE

Alderman Nelson expressed concern that patrons of the Cat's Cradle have to park in the front of the building and then have to walk around to the back of the building to enter the building. He stated his concern over the safety of the patrons in this area.

REPORTING OF CAMPAIGN CONTRIBUTIONS

Alderman Nelson suggested that Board members be required to report campaign contributions.

It was the consensus of the Board to refer this matter to the Agenda Planning Committee for scheduling.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON THAT THE MEETING BE ADJOURNED AT 9:27 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk