

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 3, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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| Mayor | Eleanor Kinnaird |
| Aldermen | 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 |

Absent:

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| Alderman | Michael Nelson |
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY FRANCES SHETLEY THAT THE MINUTES OF DECEMBER 13, 1994 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FROM CITIZEN

Chris Smithson, a resident of Old Well Apartments, expressed concern about the recent shooting at his apartment complex and spoke in favor in anything the town can do to remedy this situation.

PUBLIC HEARINGS/COMMUNITY NEEDS FOR FISCAL 1995-96

This public hearing was designed to solicit citizens' comments on town operations for consideration in the town's development of the Fiscal 1995-96 operating budget and capital improvements plan.

Ellen Perry requested an expansion of the EZ-Rider service and requested additional housing for disabled and low-income individuals.

Mayor Kinnaird read a request submitted by Steve Fisher requesting that the Board budget for a full or part-time assistant for the Community and Economic Development Officer.

Alderman Bryan requested that the citizens' newsletter include a cut-out form for citizens to submit suggestions for the 1995-96 budget and that a note be included in the newsletter urging citizens to contact members of the Board of Aldermen regarding questions about the budget.

PUBLIC HEARING/CLOSING OF ROSEMARY STREET ALLEY

Chris Peterson, the town's Public Works Director, stated that a 12-foot wide alley, known as the Rosemary Street Alley, exists adjacent to Rosemary Street between parcels owned by John A. Dunkle, ETAL and Melissa Polier. These two property owners have requested that the alley be permanently closed. Mr. Peterson stated that the administration recommended that the alley be closed.

John Dunkle spoke in favor of closing the alley.

Francis Chan, one of the trustees of FJC Trust, stated that he was a property owner adjoining this alley and stated that FJC Trust was not in favor of closing this alley.

Stepney Edwards stated that he had told John Dunkle to make sure that Mr. Chan was given access to his property from the alley.

Mr. Dunkle suggested that Mr. Chan be given title to the property at the end of the alley.

James Wall, a resident of 102 Starlight Drive, expressed concern about an alley that was suppose to be left open from Merritt Mill Road to Rosemary Street, but a fence was installed to prevent access.

It was the consensus of the Board that the town staff look into the situation addressed by Mr. Wall.

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

**A RESOLUTION ORDERING THE CLOSING OF
THE 12' WIDE PUBLIC STREET KNOWN AS THE
ROSEMARY STREET ALLEY
Resolution No. 26/94-95**

WHEREAS, the Board of Aldermen at its November 22, 1994 meeting, adopted a resolution declaring its intention to close the public street now known as the Rosemary Street Alley and setting a public hearing on this question for January 3, 1994 at 7:30 p.m. in the Town Hall; and

WHEREAS, a copy of this resolution was published in the Chapel Hill Newspaper and the News and Observer on December 7, 14, 21 and 28, 1994 and was sent by certified mail to the owners of property adjoining the street and a notice of the public hearing was posted in two places along said street, all in accordance with G. S. 160A-299; and

WHEREAS, the Board of Aldermen duly held a public hearing to consider this street closing in question at its regularly scheduled meeting on January 3, 1995;

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

Section 1. Having heard all of the testimony presented at the public hearing on the proposed closing of the public street known as the Rosemary Street Alley, the Board concludes that this street closing is not contrary to the public interest and that no individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his property.

Section 2. Therefore, the Board orders that the public street known as the Rosemary Street Alley be and the same is hereby closed.

Section 3. A certified copy of this order shall be filed in the Office of the Orange County Register of Deeds.

Section 4. All right, title and interest in the right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the alley as shown on the plat attached hereto, and the title of such landowners, for the width of the abutting land owned by them, shall extend to the center line of said alley, subject to the easement of ingress and egress referenced in the attached plat.

Section 5. Any person aggrieved by this street closing may appeal this order to the General Court of Justice within thirty (30) days after its adoption.

Section 6. 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 January, 1995:

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

Noes: None

Absent or Excused: Michael Nelson

Alderman Marshall requested that the town staff arrange a meeting with the Holland's regarding improvements to the second floor of their building at the corner of Main and Rosemary Streets and that the Downtown Development Commission meet with the downtown business owners regarding parking and fences.

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/COMBINATION USE AT 711 WEST ROSEMARY STREET

Keith Lankford, the town's Zoning Administrator was sworn in. Mr. Lankford stated that John Dunkle, ETAL and Melissa Polier had applied for a conditional use permit that would allow a combination use project on .082 acres located at 711 West Rosemary Street. This property is near the intersection of Main Street and West Rosemary Street and has frontage on both streets. The tract of land is zoned B-1(g) and is identified as Tax Map 92, Block B, Lot 12. Mr. Lankford presented the proposed site plan and answered the Board's questions.

James Harris, the town's Community and Economic Development Officer, was sworn in. Mr. Harris stated that the Downtown Development Commission was recommending approval of this conditional use permit and recommended that Murray Holland participate in the project by removing the fence at the southwestern corner of the property.

Lance Holland, representing Murray Holland, was sworn in. Mr. Holland spoke against the proposed patio dining and requested that the soil be tested in the area of the patio. Mr. Holland requested that the town follow up on the decision made by former town staff members disallowing the use of the second floor of his building. Mr. Holland stated that he was against anything fronting on Main Street because of the lack of parking.

Bill Fairbanks was sworn in. Mr. Fairbanks stated that he was proposing to put a restaurant in Mr. Dunkle's building and that patio dining was an addendum to the plan for this site.

Francis Chan was sworn in. Mr. Chan asked about the set back of the Dunkle building.

Roy Williford, the town's Planning Director, was sworn in. Mr. Williford answered questions concerning building setbacks and stated that there is a 10% glazing requirement between the buildings in this area.

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

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

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED 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 the 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 the Public Works Director approve the location of the dumpster or that roll-out containers be used so that vehicles entering a full parking lot will have ample room to turn around and exit the lot without having to back onto Rosemary Street.

4. That the applicant be granted a deviation in the parking requirements and that the southern most parking space be eliminated. And, that a sign be installed in this space indicating no parking to ensure its availability for vehicular turn around.

5. That the building be painted.

6. That smooth texture concrete be used on the patio.

7. That the concrete parking lot be stained to eliminate glare.

8. That a light pole be added on the project's Main Street side.

9. That, if possible, additional steps be taken to protect new trees.

10. That the applicant provide a 48-inch wide accessible walkway to the building entrance in accordance with the State of North Carolina accessible code.

11. That the applicant provide a wheelchair curb ramp from the handicapped parking space if a curb is used to separate the walkway and the parking spaces.

12. That signs be installed indicating the compact parking spaces.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE APPLICATION BE GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

REQUESTS FOR PROPOSALS/COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATION

James Harris, the town's Community and Economic Development Officer, stated that the town has received a Community Development Block Grant in the amount of \$400,000 to rehabilitate 17 substandard housing units located in the grant target area. Mr. Harris stated that the administration was requesting authorization to solicit proposals for the administration of the grant.

MOTION WAS MADE BY RANDY MARSHAL AND SECONDED BY HANK ANDERSON THAT THE TOWN STAFF BE AUTHORIZED TO SOLICIT PROPOSALS FOR THE ADMINISTRATION OF THE 1994 COMMUNITY DEVELOPMENT BLOCK GRANT. VOTE: AFFIRMATIVE ALL

AGREEMENT FOR TEMPORARY BUILDING INSPECTION SUPERVISION

Roy Williford, Planning and Economic Development Director stated that the administration was requesting that the Board authorize the Town Manager to execute an agreement with the Town of Chapel Hill for temporary building inspection supervision services. Mr. Williford stated that these administrative services would be provided by Chapel Hill's chief building inspector for an average of two hours per day for a monthly sum of \$1,000.00.

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

A RESOLUTION APPROVING AN AGREEMENT FOR THE TOWN OF CHAPEL HILL TO PROVIDE ON A TEMPORARY, SHORT-TERM BASIS, SUPERVISION FOR THE TOWN OF CARRBORO'S BUILDING INSPECTION DEPARTMENT PENDING THE HIRING OF A NEW CHIEF BUILDING INSPECTOR FOR THE TOWN OF CARRBORO

Resolution No. 28/94-95

WHEREAS, the Town of Carrboro has requested the Town of Chapel Hill to provide assistance to Carrboro in the supervision of Carrboro's Building Inspection Division pending the hiring of a new building inspector by Carrboro; and

WHEREAS, the Town of Chapel Hill will consider at its January 9, 1995 meeting the provisions of such assistance in accordance with the terms of the attached agreement.

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

Section 1. The Town Manager is authorized to execute the attached agreement relating to the provision of supervisory services by the Town of Chapel Hill's Building Inspector of the Town of Carrboro's Building Inspection Division.

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 3rd day of January, 1995:

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

Noes: None

Absent or Excused: Michael Nelson

DISCUSSION OF OWASA-RELATED ISSUES

The Board of Aldermen listed the following items for discussion with the town's OWASA representatives on February 7, 1995:

- a. Differential charges for low-income housing;
- b. Extension of sewer service to areas in Carrboro not presently served;
- c. Clarification of the role and expectations between the Board of Aldermen and the OWASA representatives;
- d. Update on negotiations with residents surrounding the Rock Quarry;
- e. Use of non-porous paving materials in the watershed;
- f. The future water supply needs - Jordan and Rock Quarry;
- g. The allocation of Jordan water for Mebane and Hillsborough;
- h. Modification of watershed requirements;
- i. Sewer capacity of Morgan Creek Sewer Plant; and
- j. How the OWASA capital improvements plan will be financed and the expected rate increases for OWASA customers.

BUDGET AMENDMENT

The administration requested that the Board of Aldermen adopt a budget amendment transferring \$3,450 from Capital Reserve to the General Fund to cover replacement of one of the heat pumps for the Town Hall.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'94-95 BUDGET ORDINANCE," TO TRANSFER \$3,450 FROM CAPITAL RESERVE TO THE GENERAL FUND TO COVER REPLACEMENT OF THE BOARD ROOM HEAT PUMP, BE ADOPTED. VOTE: AFFIRMATIVE ALL

CANCELLATION OF JANUARY 10, 1995 BOARD MEETING

The administration requested that the Board of Aldermen cancel its regular meeting scheduled for January 10, 1995 which follows the 1995 Planning Retreat scheduled for January 8 and 9, 1995.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE JANUARY 10TH MEETING BE CANCELED. VOTE: AFFIRMATIVE ALL

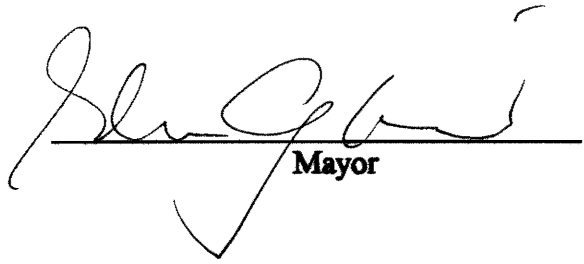
TRANSPORTATION IMPROVEMENT PROGRAM

Alderman Shetley stated that the TAC will be holding a public hearing on the TIP on January 11, 1995 and requested that the town send a letter to the TAC reiterating the town's request for improvements to the area surrounding McDougle Middle School. In addition, Alderman Shetley requested that the Town Manager inform the School System of the upcoming public hearing and inviting them to forward comments to the TAC regarding the McDougle Middle School improvements.

VIOLENCE AT OLD WELL APARTMENTS

Chief Callahan addressed the Board concerning the Police Department's efforts in dealing with the recent shootings at Old Well Apartments.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE MEETING BE ADJOURNED AT 11:15 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk