

AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, AUGUST 18, 1998
7:30 P.M., TOWN HALL BOARD ROOM

Approximate Time*

7:30 - 7:40 A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:40 - 7:45 B. CONSENT AGENDA

(1) **Approval of Minutes of Previous Meeting: June 23, 1998**

(2) **Request to Set Date of 1999 Planning Retreat**

The administration requests that the Mayor and Board of Aldermen set the date for the 1999 Planning Retreat.

(3) **Request to Set Public Hearing/Voluntary Annexation/UCC Living Center, Phases I, II, and III**

✓
Malcolm Hunter and Phillip Laucks, representing United Church of Christ Living Centers, Inc. and United Church Retirement Homes, Inc., have submitted three (3) separate petitions requesting annexation of the UCC Living Center. The administration requests that the attached resolution, which sets a public hearing for September 1, 1998 be adopted.

(4) **Request to Set Public Hearing/Bureau of Justice Assistance Block Grant**

The Police Department has received notification of the availability of funds from the Bureau of Justice, which can be used to finance five (5) video cameras for patrol vehicles. Receipt of these funds require a public hearing as part of the grant process. This grant will provide \$19,490 with a 10/% matching requirement. The administration requests that a public hearing be set for August 25, 1998.

(5) **Request to Set Public Hearing/Community Development Block Grant**

Each year funds are made available through the NC Community Assistance Program to address community needs for low-income families and individuals. These funds are available through a competitive grant process, which requires citizen participation. The citizen participation process requires two (2) public hearings. The purpose of this item is to set the two public hearings to meet the requirements of the application process to apply for the revitalization funds.

(6) **Request for Bonding/Incomplete Site Work/Carrboro Plaza Shopping Center**

Vijay Shah, on behalf of the owners of the Carrboro Plaza Shopping Center, has requested to bond for incomplete site work (primarily planting of trees) at Carrboro Plaza so that the certificate of occupancy may be issued for Food Lion on August 21, 1998. The Board of Aldermen may authorize the posting of a bond for incomplete work, and the issuance of a certificate of occupancy for a project permitted by a conditional use permit. The administration recommends that the

Board authorize the posting of a bond and the issuance of a certificate of occupancy.

(7) Amendment to Town Hall Renovation Construction Budget

The purpose of this item is to authorize an amendment to the construction budget for the Town Hall renovations

7:45 - 7:55 C. RESOLUTIONS, PROCLAMATIONS AND CHARGES

D. OTHER MATTERS

7:55 – 8:25
P/10 (1) Update on Hillsborough Road Widening Project

The purpose of this item is to provide the Mayor and Board of Aldermen an update on the Hillsborough Road widening (NCDOT Project U-3100A).

8:25 – 8:35
P/5 (2) Request to Permanently Close a 43.83-Foot Portion of Hillview Street

An unopened public right-of-way exists between 206 and 300 Pleasant Drive. This unopened right-of-way is approximately 43.83 feet in width and 150.50 feet in length and has never been dedicated to the town. The property owners of 206 and 300 Pleasant Drive have requested that this right-of-way be permanently closed and that all right, title and interest be vested to them. The administration requests adoption of the attached resolution declaring the intent of the town to close this right-of-way.

8:35 – 8:50
P/5 (3) Land Use Ordinance Map Amendment/103 Short Street

Christopher and Janet Vickers have submitted a petition for change of zoning for the property located at 103 Short Street. The petition requests that the property be rezoned from R-7.5 to B-2. The administration recommends that the Board of Aldermen deny the petition for rezoning and direct the town staff to return all application materials, including fees, that have been submitted.

8:50 – 9:00 BREAK

9:00 – 9:10
P/5 (4) License Agreement/Roberson Place Bikepath

The purpose of this agenda item is for the Board of Aldermen to authorize the Town Manager to execute the attached License Agreement between the Town of Carrboro and OWASA.

9:10 – 9:15 E. MATTERS BY TOWN CLERK

9:15 – 9:25 F. MATTERS BY TOWN MANAGER

9:25 – 9:35 G. MATTERS BY TOWN ATTORNEY

9:35 – 9:45 H. MATTERS BY BOARD MEMBERS

*The times listed on the agenda are intended only as general indications. Citizens are encouraged to arrive at 7:30 p.m. as the Board of Aldermen at times considers items out of the order listed on the agenda.

BOARD OF ALDERMEN

ITEM NO. B(2)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: Request to Set Date for 1999 Planning Retreat

DEPARTMENT: Town Manager	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: None	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

The administration requests that the Mayor and Board of Aldermen set the date for the 1999 Planning Retreat.

SUMMARY

The administration has contacted the Aqueduct Conference Center to determine the available dates for their facility. The available dates are: January 10th – 11th or January 24th – 25th. The 1998 Planning Retreat was held on January 26th and 27th.

ACTION REQUESTED

The administration recommends that the Mayor and Board of Aldermen set the 1998 Planning Retreat for January 24th – 25th.

BOARD OF ALDERMEN

ITEM NO.: B(3)

AGENDA ITEM ABSTRACT

MEETING DATE: AUGUST 18, 1998

SUBJECT: REQUEST TO SET A PUBLIC HEARING: VOLUNTARY ANNEXATION OF THE UNITED CHURCH OF CHRIST (UCC) LIVING CENTER

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ NO <u>X</u>	
ATTACHMENTS: PETITIONS FOR ANNEXATION DEED DESCRIPTIONS LOCATION MAPS RESOLUTION	FOR INFORMATION CONTACT: ROY M. WILLIFORD, 968-7713	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) PURPOSE	(X) ACTION REQUESTED	() ANALYSIS
() SUMMARY	(X) RECOMMENDATION	

PURPOSE:

Malcolm Hunter, Jr. and Phillip Laucks, representing United Church of Christ Living Centers, Incorporated and United Church Retirement Homes, Incorporated respectively, submitted three (3) separate PETITIONS FOR ANNEXATION on July 31, 1998. The PETITIONS FOR ANNEXATION requests that property owned by United Church of Christ Living Centers, Incorporated and United Church Retirement Homes, Incorporated be annexed into the Town. The property specified in the Petitions for Annexation totals 9.642 acres and is located on the northeast corner of the intersection of Culbreth Road and Smith Level Road. The 9.642 acres to be annexed is contiguous to the Town of Carrboro. The parcels to be annexed include: (a) tax map referenced 7.122.B.22B, with no dwelling units; (b) tax map referenced 7.122.B.22A, with 41 apartments for senior adults; and (c) tax map referenced 7.122.B.22, with a 77-bed senior citizen care facility.

ANALYSIS:

Three (3) separate PETITIONS FOR ANNEXATION are presented due to the parent parcel being subdivided into three separate parcels which ultimately was assigned three distinct tax map reference numbers. However, the three parcels are to be considered as a *subdivision* for annexation purposes.

ACTION REQUESTED:

The Board of Aldermen is requested to set a public hearing for September 01, 1998 to consider the PETITIONS FOR ANNEXATION submitted by Malcolm Hunter and Phillip Laucks.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen adopt the attached resolution which sets a public hearing date for September 01, 1998.

The following resolution was introduced by Alderman _____ and duly seconded by Alderman _____.

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER
THE ANNEXATION OF
UCC LIVING CENTER, PHASES I, II, AND III
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 1/98-99**

WHEREAS, the Town of Carrboro has received a petition from the owners of the UCC Living Center, Phases I, II and III requesting that their 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 hereby accepts this petition and shall hold a public hearing on September 1, 1998 to consider the voluntary annexation of this 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 (10) 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 18th day of August, 1998:

Ayes:

Noes:

Absent or Excused:

TOWN OF CARRBORO

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY



REC'D JUL 18 700

JUL 31 REC'D

TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1) THE UNDERSIGNED, BEING THE OWNER OF ALL REAL PROPERTY LOCATED WITHIN THE AREA DESCRIBED IN PARAGRAPH #2 BELOW, REQUESTS THAT SUCH AREA BE ANNEXED TO THE TOWN OF CARRBORO, NORTH CAROLINA.

2) THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE TOWN OF CARRBORO, AND IS LOCATED AT Smith Level Road, Chapel Hill, NC AND TAX MAP REFERENCED 7.122. B.22B. THE BOUNDARIES OF SUCH TERRITORY ARE AS SHOWN ON THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO.

3) A MAP (NO LARGER THAN 18" X 24") OF THE FOREGOING PROPERTY, SHOWING ITS RELATIONSHIP TO THE EXISTING CORPORATE LIMITS OF THE TOWN, IS ALSO ATTACHED HERETO.

4) THE TOTAL ACREAGE AND DWELLING UNITS LOCATED ON THIS PROPERTY ARE AS FOLLOWS:

2.281 ACRES 0 DWELLING UNITS (land only)

RESPECTFULLY SUBMITTED THIS 27th DAY OF July, 19 98.

NAME:	United Church Retirement Homes, Inc.
ADDRESS:	100 Leonard Avenue
	Newton, North Carolina 28658
OWNER/PRESIDENT:	Phillip Laucks, President <i>E. Phillip Laucks</i>

ATTEST: *[Signature]* SECRETARY



I, Sarah W. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-reference petition has been checked and found to be in compliance with G.S. 160A-31.

This the 6th day of August, 19 98.

TOWN CLERK: *Sarah C. Williamson*

EXHIBIT A

United Church Retirement Homes, Inc.
Phase 3

Being all that certain parcel of land situate, lying, and being in the Town of Carrboro, Orange County, N.C., bounded on the South by New Covenant Christian Church, on the West by New Covenant Christian Church, on the North by Larry Atwater, and the East by T.E. Best heirs and more particular described as:

Commencing at an existing "PK" nail located at the Northeast intersection of the right-of-way of Culbreth Road and Smith Level Road; and running thence with the Northern right-of-way of Culbreth Road South $73^{\circ}53'44''$ East, 459.61 feet to an existing iron pipe; thence leaving said northern right-of-way of Culbreth Road and running with the line of Charles Best South $89^{\circ}30'00''$ East, 467.01 feet to an existing iron pipe; thence with Charles Best and the T.E. Best Heirs North $03^{\circ}49'8''$ East, 305.02 feet to an existing iron rod, the point and place of beginning;

Thence with New Covenant Christian Church North $88^{\circ}48'00''$ West, 405.12 feet to an existing iron rod; thence North $11^{\circ}46'21''$ West 233.57 feet to an existing iron rod; thence with University Commons Condominiums (formerly Larry Atwater) South $88^{\circ}48'00''$ East, 467.95 feet to a rock; thence with T. E. Best Heirs South $03^{\circ}49'08''$ West, 227.84 feet to the point and place of beginning and containing 2.231 acres more or less.

TOWN OF CARRBORO

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY



0334 T & 700

JUL 31 REL

TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1) THE UNDERSIGNED, BEING THE OWNER OF ALL REAL PROPERTY LOCATED WITHIN THE AREA DESCRIBED IN PARAGRAPH #2 BELOW, REQUESTS THAT SUCH AREA BE ANNEXED TO THE TOWN OF CARRBORO, NORTH CAROLINA.

2) THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE TOWN OF CARRBORO, AND IS LOCATED AT 405 Smith Level Road, Chapel Hill, NC AND TAX MAP REFERENCED 7.122. B.22. THE BOUNDARIES OF SUCH TERRITORY ARE AS SHOWN ON THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO.

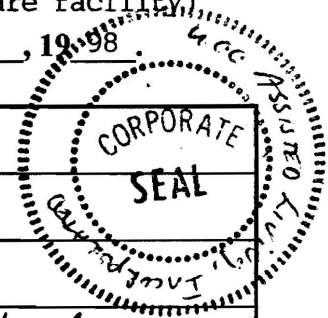
3) A MAP (NO LARGER THAN 18" X 24") OF THE FOREGOING PROPERTY, SHOWING ITS RELATIONSHIP TO THE EXISTING CORPORATE LIMITS OF THE TOWN, IS ALSO ATTACHED HERETO.

4) THE TOTAL ACREAGE AND DWELLING UNITS LOCATED ON THIS PROPERTY ARE AS FOLLOWS:

3.447 ACRES 77 DWELLING UNITS (77 bed senior citizen care facility)

RESPECTFULLY SUBMITTED THIS 27th DAY OF July, 1998

NAME:	UCC Assisted Living, Incorporated
ADDRESS:	100 Leonard Avenue
	Newton, North Carolina 28658
OWNER/PRESIDENT:	Co-Chairman Malcolm Ray Hunter, Jr. <i>Malcolm Ray Hunter</i>



ATTEST: Sue Baker SECRETARY

I, Sarah W. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-reference petition has been checked and found to be in compliance with G.S. 160A-31.

This the 6th day of August, 1998.

TOWN CLERK: Sarah C. Williamson

EXHIBIT A
Legal Description

JUL 31 REC'D

Being all of that certain parcel of land situate lying, and being in the Town of Carrboro, Orange County, North Carolina, bounded on the South by Culbreth Road, on the West by Smith Level Road, on the North and the East by New Covenant Christian Church and more particularly described as:

Beginning at a PK Masonry nail in the pavement of the Northeast quadrant of the intersection of Culbreth Road & Smith Level Road, running:

Thence with Eastern Right-of-Way of Smith Level Road N 35°54'47" E - 49.56' to a computed point;

Thence N 34°20'58" E - 49.88' to a computed point;

Thence N 31°34'34" E - 51.00' to a computed point;

Thence N 29°03'59" E - 50.31' to a computed point;

Thence N 26°55'24" E - 50.20' to a computed point;

Thence N 24°56'34" E - 50.39' to a computed point;

Thence N 23°21'32" E - 50.68' to a computed point;

Thence N 22°33'52" E - 49.62' to a computed point;

Thence N 21°56'09" E - 49.80' to an iron rod set;

Thence leaving Smith Level Road and running a new line with New Covenant Christian Church, S 88°48'00" E - 147.94' to an iron rod set;

Thence running a new line with New Covenant Christian Church, S 02°18'58" E - 15.03' to an iron rod set;

Thence running a new line with New Covenant Christian Church, S 88°48'00" E - 84.82' to an iron rod set;

Thence running a new line with New Covenant Christian Church, S 11°46'21" E - 222.46' to an iron rod set;

Thence a new line with New Covenant Christian Church, S 05°08'16" W - 109.10' to an iron rod set;

Thence a new line with New Covenant Christian Church, N 84°15'49" W - 66.60' to an iron rod set;

Thence a new line with NCCC, S 35°02'49" W - 177.48' to an iron rod set on the Northern Right-of-Way of Culbreth Road;

Thence with the Northern Right-of Way of Culbreth Road, N 73°53'44" W - 322.58' to the point of beginning; containing 3.447 acres and being a portion of the land conveyed to New Covenant Christian Church by Leila Atwater Graham on October 7, 1990 by deed recorded in the Orange County Registry. Further reference noted hereon as Phase 2.

TOWN OF CARRBORO

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY



TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1) THE UNDERSIGNED, BEING THE OWNER OF ALL REAL PROPERTY LOCATED WITHIN THE AREA DESCRIBED IN PARAGRAPH #2 BELOW, REQUESTS THAT SUCH AREA BE ANNEXED TO THE TOWN OF CARRBORO, NORTH CAROLINA.

2) THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE TOWN OF CARRBORO, AND IS LOCATED AT 103 Culbreth Road, Chapel Hill, NC AND TAX MAP REFERENCED 7.122. B.22A. THE BOUNDARIES OF SUCH TERRITORY ARE AS SHOWN ON THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO.

3) A MAP (NO LARGER THAN 18" X 24") OF THE FOREGOING PROPERTY, SHOWING ITS RELATIONSHIP TO THE EXISTING CORPORATE LIMITS OF THE TOWN, IS ALSO ATTACHED HERETO.

4) THE TOTAL ACREAGE AND DWELLING UNITS LOCATED ON THIS PROPERTY ARE AS FOLLOWS:

3.914 ACRES 41 DWELLING UNITS (41 apartments
for senior adults)

RESPECTFULLY SUBMITTED THIS 27th DAY OF July, 19 98.

NAME: UCC Living Centers, Incorporated	
ADDRESS: 100 Leonard Avenue Newton, North Carolina 28658	
OWNER/PRESIDENT/ Malcolm Ray Hunter, Jr.	Co-Chairman: <i>Malcolm Ray Hunter Jr</i>

ATTEST: *Henry A. Hunter* SECRETARY

I, Sarah W. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-reference petition has been checked and found to be in compliance with G.S. 160A-31.

This the 6th day of August, 19 98.

TOWN CLERK: *Sarah C. Williamson*

JUL 1 1990

"EXHIBIT A"

LEGAL DESCRIPTION

Being all that certain parcel of land situate, lying, and being in the Town of Carrboro, Orange County, N.C., bounded on the South of Charles Best and Culbreth Road, on the West & North by New Covenant Christian Church and Larry Atwater, and on the East by T.E. Best heirs and Charles Best, and more particularly described as:

Beginning at an existing iron pipe on the Northern Right-of-Way of Culbreth Road & Smith Level Road, said iron being located S 7353'44" E - 459.61' from a PK Nail located at the northeast intersection of the right-of-ways of Culbreth Road & Smith Level Road, running:

Thence with the Northern Right-of-Way of Culbreth Road, N 7353'44" W - 137.03' to an iron rod set on the Northern Right-of-Way of Culbreth Road;

Thence leaving Culbreth Road and running a new line with New Covenant Christian Church, N 3502'49" E - 177.48' to an iron rod set;

Thence a new line with New Covenant Christian Church, S 8415'49" E - 66.60' to an iron rod set;

Thence a new line with New Covenant Christian Church, N 0508'16" E - 109.10' to an iron rod set;

Thence a new line with New Covenant Christian Church, N 1146'21" W - 222.46' to an iron rod set;

Thence a new line with New Covenant Christian Church, N 8848'00" W - 84.82' to an iron rod set;

Thence a new line with New Covenant Christian Church, N 0218'58" W - 15.03' to an iron rod set;

Thence a new line with New Covenant Christian Church, N 8848'00" W - 147.94' to an iron rod set on the eastern right-of-way of Smith Level Road;

Thence with the eastern right-of way of Smith Level Road, N 2156'09" E - 2.41' to a computed point;

Thence with the eastern right-of-way of Smith Level Road, N 2142'06" E - 18.94' to an existing iron pipe;

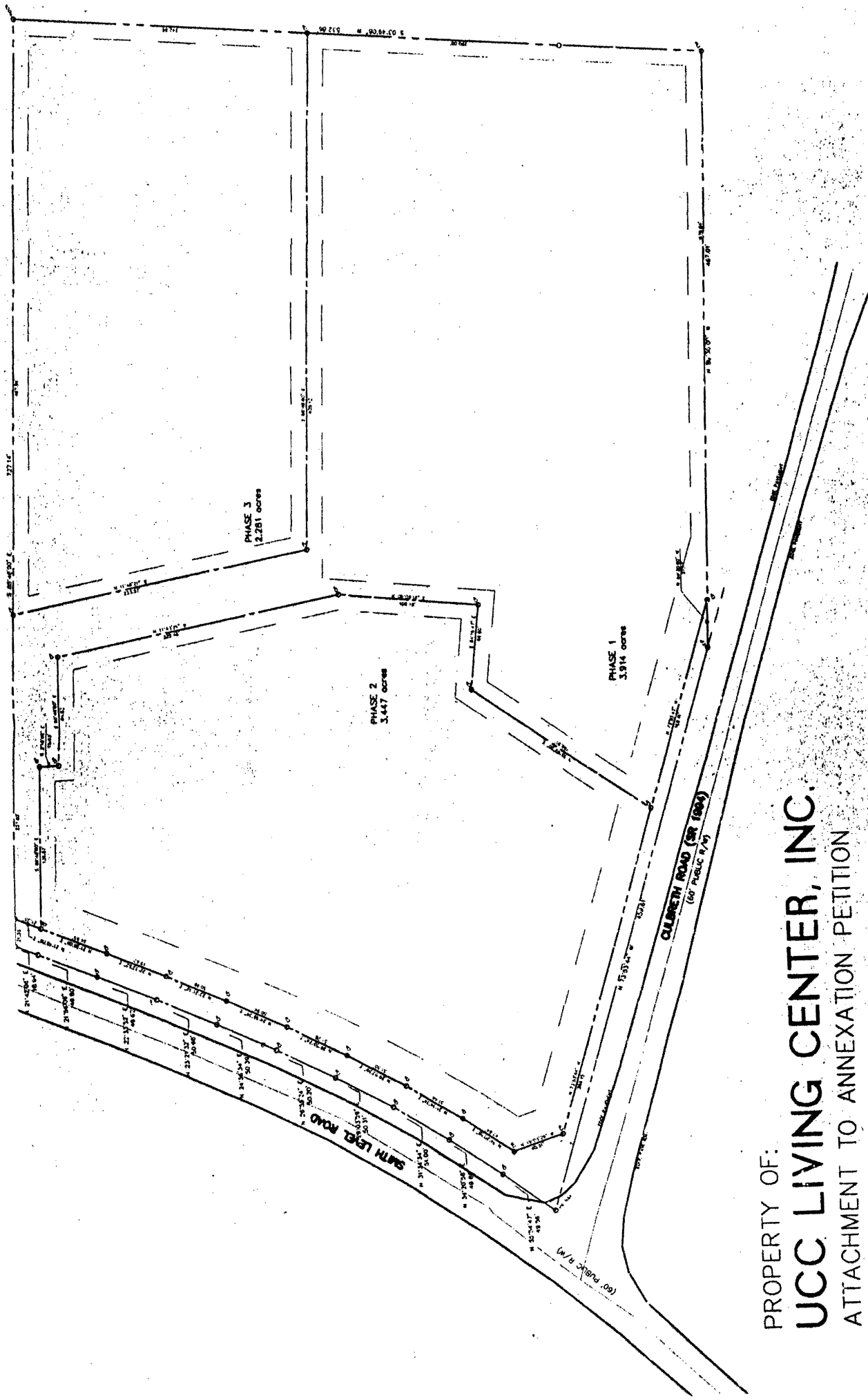
Thence leaving said eastern right-of-way of Smith Level Road with the line of Larry Atwater, S 8848'00" E - 259.18' to an iron rod set;

Thence leaving Larry Atwater and running a new line with New Covenant Christian Church, S 1146'21" E - 233.57' to an iron rod set;

Thence a new line with New Covenant Christian Church, S 8848'00" E - 405.12' to an iron rod set in the line of T.E. Best heirs;

Thence with T.E. Best heirs and Charles Best, S 0349'08" W - 305.02' to an existing iron pipe, a corner with Charles Best;

Thence with Charles Best N 8930'00" W - 467.01' to the point of beginning; containing 3.914 acres and being a portion of the land conveyed to New Covenant Christian Church by Leila Atwater Graham on October 7, 1990 by deed recorded in the Orange County Registry. Further reference noted hereon as Phase 1.



PROPERTY OF:
UCC LIVING CENTER, INC.
ATTACHMENT TO ANNEXATION PETITION

LOCATION MAP UCC Living Center Annexation

3.447 Acres
77 Units
TMBL# 7.122.B.22
Date Effective: September 30, 1998

Existing
City Limits

2.281 Acres
0 Units
TMBL# 7.122.B.22B
Date Effective: September 30, 1998

Area to be
annexed

3.914 Acres
41 Units
TMBL# 7.122.B.22A
Date Effective: September 30, 1998

Existing
City Limits

ROCK HAVEN RD

WOODCREST DR

NUTTREE LA

RICHSTREAM PL

COBBLE RIDGE DR

CULBRETH RD

CULBRETH RD

COLUMBIA DR

"This map is not a certified survey and no reliance may be placed in its accuracy"

Craig M. Harmon, GIS Specialist

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER
THE ANNEXATION OF
UCC LIVING CENTER, PHASES I, II, AND III
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 1/98-99**

WHEREAS, the Town of Carrboro has received a petition from the owners of the UCC Living Center, Phases I, II and III requesting that their 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 hereby accepts this petition and shall hold a public hearing on September 8, 1998 to consider the voluntary annexation of this 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 (10) 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 18th day of August, 1998:

Ayes: Hank Anderson, Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

BOARD OF ALDERMEN

ITEM NO. B(4)

AGENDA ITEM ABSTRACT

MEETING DATE:

SUBJECT: Request to Set Public Hearing on the Bureau of Justice Assistance Block Grant

DEPARTMENT: Police	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: None	FOR INFORMATION CONTACT: John H. Butler, 968-7710

PURPOSE

The Carrboro Police Department has received notification of the availability of government funds from the Bureau of Justice Assistance (BJA) Block Grant which can be used to finance five (5) video cameras for patrol vehicles. Receipt of the funds require a public hearing as part of the grant process. This grant will provide \$19,490.00 with a 10% (\$1,949.00) matching requirement. It is proposed that the matching funds be taken out of the contingency fund.

ACTION REQUESTED

That the Board of Aldermen schedule a public hearing for the August 25, 1998 meeting of the Board of Aldermen.

BOARD OF ALDERMEN

ITEM NO. B(5)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: Request to Set Public Hearings/1998 Revitalization Grant Application

DEPARTMENT: Economic and Community Development	PUBLIC HEARING: YES ____ NO <u>x</u>__
ATTACHMENTS:	FOR INFORMATION : James Harris 968-7700

Purpose :

Each year funds are made available through the NC Community Assistance Program to address community needs for low income families and individuals. These funds are available through a competitive grant process that requires citizen participation. The citizen participation process requires two (2) public hearings. The purpose of this item is to set the two public hearings to meet the requirements of the application process to apply for the revitalization funds.

Analysis:

The application process requires that two public hearings be held to receive public input on the application. The first hearing is to get input from the community on what the project should look like, should the project be a comprehensive rehabilitation or scattered site project. The second public hearing is to receive public comment on the completed application. Additional points are granted if a formal Community Development Committee is established to work with staff on the project.. To get the extra points a committee should be established at the second public hearing. At that time the units and participants will be identified and the town can select the five required members of the committee.

Action Requested

It is requested that the Board of Aldermen set a public hearing for August 25, 1998 to receive public input from the public before an application is compiled and a second hearing on September 22, 1998 to present the completed application for final approval by the Board of Aldermen. At the second public hearing staff will suggest a list of five citizens living in the target units to serve on the citizen committee. It is request that a Board of Aldermen members be appointed to serve on the committee.

Recommendation:

The Administration recommends that the hearings be set for the dates requested. It is also recommended that the name of a Board of Aldermen member be forwarded to staff to be included on the resolution that will be submitted to the Board at the second public hearing for approval on September 22, 1998.

BOARD OF ALDERMEN

ITEM NO. B (6)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: Request to bond for incomplete site work at Carrboro Plaza

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS:	FOR INFORMATION CONTACT: Keith Lankford--968-7712
THE FOLLOWING INFORMATION IS PROVIDED:	
(X) Purpose	(X) Summary
(X) Recommendation	

PURPOSE

Vijay Shah, on behalf of the owners of the Carrboro Plaza shopping center, has requested to bond for incomplete site work (primarily planting of trees) at Carrboro Plaza so that the certificate of occupancy (CO) can be issued for Food Lion on Friday, August 21, 1998. The Board of Aldermen may authorize the posting of a bond for incomplete work, and the issuance of a CO for a project permitted by a conditional use permit (CUP). The Administration recommends that the Board authorize the posting of a bond and the issuance of the CO.

SUMMARY

Vijay Shah, on behalf of the owners of the Carrboro Plaza shopping center, has requested to bond for incomplete site work (primarily planting of trees) at Carrboro Plaza so that the certificate of occupancy (CO) can be issued for Food Lion on Friday, August 21, 1998.

The contractor is anticipating that all site work items will not be completed prior to the time that Food Lion needs their CO.

In particular, most of the trees will not be installed due to the season of the year not being conducive to planting.

Section 15-60 of the Carrboro Land Use Ordinance indicates that the Board of Aldermen may authorize the posting of a bond for incomplete work, and the issuance of a CO for a project permitted by a conditional use permit (CUP).

The Zoning Division has received a bond to cover the cost of the incomplete site work.

The Administration recommends that the Board authorize the posting of a bond and the issuance of the CO.

RECOMMENDATION

The Administration recommends that the Board authorize the posting of a bond and the issuance of the CO.

BOARD OF ALDERMEN

ITEM NO. B(7)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: Amendment to Town Hall Renovation Construction Budget

DEPARTMENT: Town Manager's Office	PUBLIC HEARING: YES ____ NO <input checked="" type="checkbox"/>
ATTACHMENTS: Architect's letter	FOR INFORMATION CONTACT: Robert W. Morgan, Town Manager Chris Peterson, Public Works Director

PURPOSE

The purpose of this item is to authorize an amendment to the construction budget for the renovations to the Town Hall for two change orders.

ANALYSIS

Kerry Finley with Cherry Huffman Architects recommended two change orders for the renovation work on Town Hall. The change orders add 4000 and 3000 bricks to complete the project. The cost of these two change orders is \$80,500 for labor and \$1,329 for brick for a total of \$81,829. Adding these two change orders with the base contract of \$109,000 and Architectural Services of \$12,560 bring the total budget to \$203,389. The original estimate for this project was \$190,000 requiring \$13,389 to be transferred from the Town Center construction account.

After bids were taken and awarded to Strickland Waterproofing a construction budget was established at \$144,100 not including architectural services. It was hoped that savings from the original project estimate could be passed on to the Town Center project. The renovation work on Town Hall has progresses well, however damage to the brick facade has been more extensive than originally anticipated. The Town Administration believes that the change orders are necessary to complete the project in a manner that protects the long-term investment in the seventy-year old structure.

RECOMMENDATION

The Town Administration recommends that the change orders be approved and necessary funds from the Town Center project be added to the Town Hall construction budget to cover them.

ACTION REQUESTED

To authorize the change orders and the construction budget amendment



August 7, 1998

Chris Peterson
Dept. of Public Works
Carrboro Town Hall
301 W. Main St.
Carrboro, NC 27510

RE: Carrboro Town Hall Brick Renovation

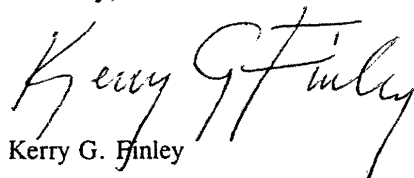
Dear Chris:

On July 10 Strickland Waterproofing estimated that an additional 4000 brick would be needed to finish the project. Most of these additional brick appeared stable to the naked eye, but have crumbled and cracked during construction. In addition, many of the bricks located inside the wall - behind the exterior wythes - were damaged as well. Strickland Waterproofing agreed to replace these brick at a unit price of \$11.50 per brick for a total cost of \$46,000. The material cost of the additional brick would be an additional \$784.40.

In a progress meeting this week, it was obvious that the 4000 brick previously estimated would not be enough to finish the job. To complete the job, Strickland Waterproofing has estimated that an additional 3000 brick will be required. This includes replacing all of the damaged and discolored brick on the front and parking lot elevations of the building. Also, on the north side of the building (inside the antenna court), the estimate includes replacing brick that are cracked or eroded. Given the fact that this wall does not face any public area, and the that the wall is almost always in shadow, it was agreed that any existing variations in color will not be noticeable enough to justify the additional cost of replacing the discolored brick. At a unit price of \$11.50 per brick, the additional 3000 brick will cost \$34,500. The material cost of the additional brick would be an additional \$588.30.

Attached with this letter you will find CCD-1 and CCD-2 authorizing the additional brick replacement. The total cost of both CCD's will be \$81,872.70. We feel the additional brick replacement is necessary to complete this project, and recommend approval of the additional work. Without the additional brick, there will be a large number of discolored and eroded brick remaining in the public walls of the building's exterior, taking away from the building's overall appearance.

Sincerely,


Kerry G. Finley

Architecture

Interior Design

Environmental Graphics

Cherry

Huffman

Architects, PA

100 S. Harrington St.

Bethesda

No. 100 S. Harrington St.

27000

01/1/98

100 S. Harrington St.

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: Update on Hillsborough Rd. Widening (NCDOT Project U-3100A)

DEPARTMENT: Town Manager's Office	PUBLIC HEARING: YES ____ NO <input checked="" type="checkbox"/> ____
ATTACHMENTS: Letter to Douglas Galyon and attachments	FOR INFORMATION CONTACT: Robert W. Morgan, Town Manager

PURPOSE

The purpose of this item is to provide the Board and update on Hillsborough Rd. widening (NCDOT Project U-3100A)

ANALYSIS

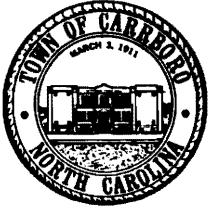
At the Board last meeting the Town Administration gave a report on a meeting with the Project Manager, Kathy Lassiter. The Town was promised in that meeting a copy of revised plans indicating changes that were agreed upon. These plans are now not going to be available in a timely manner allowing the Town to have input while right-of way is being negotiated. NCDOT also reviewed the design of the project at Old Fayetteville Rd. intersection without any input from the Town Administration. No changes in the design were recommended from this review.

Having made no progress on the matters reported to the Board on June 23, the Town Manager spoke with Douglas Galyon, Board Member NCDOT Board of Transportation, about the problems the Town had with the project. He indicated that he was going to Raleigh for NCDOT Board Meeting and would look into the matter. The Town Manager faxed a letter to Mr. Galyon on August 5, 1998 and copied the Town's legislative delegation. This letter and supporting memos are enclosed.

On August 13, the Town Manager spoke again with Mr. Galyon. He indicated that he had spoken with John Watkins, District Engineer and NCDOT staff in Raleigh and they were looking into our concerns. The Town Manager requested a meeting with the design staff to explain the Town's position. Mr. Galyon indicated that he would make the arrangements for that meeting.

ACTION REQUESTED

The Mayor and Board of Aldermen may want to give the Town Administration further directions on this matter.



TOWN OF CARRBORO

NORTH CAROLINA

August 5, 1998

Mr. Douglas Galyon
Board Member, NCDOT
P.O. Box 26969
Greensboro, NC 27419

Mr. Galyon:

Thank you for agreeing to look into problems the Town of Carrboro has been having regarding the widening of Hillsborough Rd (Project U-3100A). The Town has been trying to follow proper channels through NCDOT and has not made much progress in having the Town's concerns addressed.

The Town requested this project for widening to include bikelanes and a sidewalk on the east side. The current design is in the Town's opinion over designed even taking into consideration future growth. It will also encourage traffic on to Hillsborough Rd. through residential areas as opposed to NC54. The end result is NCDOT will unnecessarily spend funds and severely impact a residential area reducing the quality of life. To be more specific, the Town of Carrboro has the following concerns about Project U-3100A:

- there is no need for two left hand turns off of Old Fayetteville Rd into Hillsborough Rd. requiring four lanes on Hillsborough Rd. (note that NC54, a four lane median divided facility does not have two left turn lanes on to Main St. the preferred route to our downtown and also note that NCDOT projections are not based on revised long range plans for the northern area of Carrboro).
- there is no need for left turning lanes into Barrington Hills (Burton Drive and Barrington Hills Rd.) since this subdivision is fully developed.
- there is no need for a left turn lane into the rear entrance of McDougale School since that is a maintenance and a bus entrance only, therefore traffic will not increase at this entrance.
- there is no need for a sidewalk berm on the west side of Hillsborough Roads and slopes can be modified along Hillsborough Road to reduce easements and right-of-way needs.
- construction easements are excessive on both sides and right of way agents are informing property owners that these easements are the clearing limit lines.

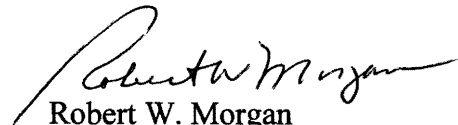
- current plans identify clearing limit lines that need to be modified to reflect the sidewalk berm reduction and modified slopes and these modified lines need to be followed as opposed to the construction easement lines.
- the Town has been excluded from discussions regarding the final design of the intersection of James Street, Quail Roost Dr. and Hillsborough Rd. and must be included to reach a productive solution..

At a meeting with Kathy Lassiter, Project Engineer on June 17, the Town felt that some progress was made to look into our concerns. Revised drawings were promised in a few weeks to show the reduction of the sidewalk berm on the west side of Hillsborough Rd from 10 feet to 6 feet, the relocation of clearing limits and the reduction of construction easements. These revised drawings were to be provided to the Town a few weeks following the June 17th meeting and prior to the conclusion of right-of-way negotiations. We are now told that these drawing will not be provided until right of-way agents conclude their work. We were also told that the appropriate NCDOT office would re-evaluate traffic projections and this was done but without any input from the Town.

On past projects the Town staff has worked with NCDOT and the town citizens in working out problems associated with NCDOT projects. This approach has been a win-win process for all involved. This spirit of cooperation does not appear to be present with this project.

We would appreciate your assistance in resolving these issues.

Sincerely,



Robert W. Morgan
Town Manager

attachments:

cc/ Senator Eleanor Kinnaird
Senator Howard Lee
Representative Joe Hackney
Representative Verla Insko
Carolyn Grant
Alice Gordon



TOWN OF CARRBORO

NORTH CAROLINA

June 24, 1998

Ms. Kathy Lassiter, P.E.
Project Engineer
Roadway Design Branch
North Carolina Department of Transportation
PO Box 25201
Raleigh, NC 27611-5201

Dear Ms. Lassiter:

SUBJECT: Highway Design for Hillsborough Road

The Carrboro Board of Aldermen wishes to thank you for the meeting with town staff and administration on Wednesday, June 17, 1998. The Board of Aldermen has also requested that town staff and administration continue to work with you in addressing highway design concerns along portions of the Hillsborough Road (U-3100A) project. The town understands that the North Carolina Department of Transportation (NCDOT) will reduce clearing for the berm on the west side of Hillsborough Road from 10 feet to 6 feet. Furthermore, the town understands that NCDOT will reduce the construction easement to as small amount as necessary. Finally, NCDOT has agreed to provide revised design plans that show the aforementioned reductions. The Town will review where 2:1 slopes could be used in place of 4:1 slopes to reduce clearing limits.

The existing NCDOT traffic impact analysis concluded that an additional turning lane would be needed at the Hillsborough Road/Old Fayetteville Road intersection; as well as an additional travel lane along Hillsborough Road from the aforementioned intersection to the rear entrance of McDougle Middle and Elementary Schools. The Town feels that the additional lanes from the intersection to the school would have a negative impact upon properties affronting the roadway. The Town therefore requests an additional evaluation of the number of lanes proposed from the intersection of Hillsborough Road/Old Fayetteville to the rear entrance of the McDougle Schools. NCDOT has agreed to provide the traffic impact analysis to facilitate this evaluation.

Please continue to coordinate these efforts with the town staff and administration. Your support in this matter is greatly appreciated. Please feel free to call me if you have any questions.

Sincerely,

Michael R. Nelson
Mayor

MN/kww

Post-It [®] Fax Note	7671	Date	7/27/98	# of Pages	1
To	Kenneth Withrow	From	Kathy Lassiter		
Co./Dept.		Co.	NC DOT		
Phone #		Phone #	250-4016		
Fax #	919-968-7737	Fax #	250-4036		



LASSITER

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

E. NORRIS TOLSON
SECRETARY

July 17, 1998

TIP Project: U-3100 A
County: Orange
Description: SR 1009 (Hillsborough Road) from Lorraine Street to SR 1107 (Old Fayetteville Road)

MEMORANDUM

TO: G. T. Shearin, P.E., State Roadway Design Engineer
Roadway Design Unit
(Attention: Kathy Lassiter, P.E., Project Engineer)

FROM: G. C. Faulkner, Design Review Engineer
Congestion Management Section

G. C. Faulkner

SUBJECT: Intersection of Hillsborough Road and Old Fayetteville Road

As requested, the Design Review Group of the Traffic Engineering and Safety Systems Branch has completed a supplementary review of the Hillsborough Road/Old Fayetteville Road intersection. Based on a review of our previous analyses regarding this project and recent modeling of this intersection, we agree with the design currently proposed. According to the 2020 design year traffic projections provided, the southbound left turn movement will exceed 545 vph during the 2020 am peak. According to AASHTO standards left turn movements of 300 or more vehicle turns per hour warrant dual left turn lanes. Furthermore, a single left turn on this approach would increase the expected queue lengths from 275 feet to 425 feet. As a result of our analysis, we recommend that the preliminary plans retain the dual left turn lanes on the southbound Old Fayetteville Road approach.

If additional information is required, please contact Stephen Lowry or myself at 250-4151.

GCF:sdl

cc: J. W. Watkins, P.E. (Attention: V. E. Barham)
N. C. Crowe, P.E. (Attention: J. F. Permar, P.E.)
R. Canales, P.E. (Attention: T. M. Hopkins, P.E.)
T. A. Peoples, P.E. (Attention: E. Y. Stafford)
J. S. Bourne, P.E.
W. L. Oglesby, P.E.



1306

Post-It® Fax Note	7671	Date	7/29/98	# of pages	1
To	Kenneth Withrow		From	Kathy Lassiter	
Co./Dept.			Co.		
Phone #			Phone #	252-4016	
Fax #	968-7737		Fax #		

Memo To: File

FROM: Kathy Lassiter

DATE: July 6, 1998

SUBJECT: Project U-3100A Widening of Hillsborough
Road in Carrboro

Representatives from the city of Carrboro came in June 17 to discuss the above plans. They were: Tom Herring of Sungate Design Group, Kenneth W. Withrow, M. Christopher Peterson, Robert W. Morgan, and Roy M. Williford of the town of Carrboro.

- ☐ They have asked that we decrease the width of the berm where there is no proposed sidewalk to 6'. Sidewalk is proposed on the east side only.

Response: I told them we will change our plans accordingly.

- ☐ They asked that as many trees as possible be left in. They even suggested that I send them plans so they could mark where to steepen slopes. I told them that I would talk to the right of way agent concerning this.

Response: Talked to the right of way agent. The normal procedure for the R/W agent is to contact the individual property owner prior to the appraisal in order to explain the design, the impact to their particular property and to inquire about any special considerations that could affect the value of the property. Such things as the slopes are explained. Sometimes the property owner ask to have a flatter slope in front of their property in order to mow and sometimes they rather have a steeper slope in order to do less damage to their property. It is an individual preference that we try to accommodate. Since this project was sent to Right of Way 3-31-98 and the right of way agent is in the process of making his contacts, we will let the right of way agent handle this with the affected property owners in his normal manner.

- ☐ The people from Carrboro do not want the double left turn from Old Fayetteville Road onto Hillsborough Road. They would like for us to reduce it to a single left or give them some information so they can justify our decision to the board.

Response: Gary Faulkner is checking on this at this time. He will be in contact with Kenneth Withrow.

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: Permanent Closing of a 43.83' portion of Hillview Street

DEPARTMENT: PUBLIC WORKS DEPT.	PUBLIC HEARING: NO						
ATTACHMENTS: Property Survey Resolution	FOR INFORMATION CONTACT: Chris Peterson 968-7716 Terry Campbell						
THE FOLLOWING INFORMATION IS PROVIDED: <table><tr><td><input checked="" type="checkbox"/> Purpose</td><td><input type="checkbox"/> Summary</td><td><input checked="" type="checkbox"/> Analysis</td></tr><tr><td><input type="checkbox"/> Recommendation</td><td><input checked="" type="checkbox"/> Action Requested</td><td></td></tr></table>		<input checked="" type="checkbox"/> Purpose	<input type="checkbox"/> Summary	<input checked="" type="checkbox"/> Analysis	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Action Requested	
<input checked="" type="checkbox"/> Purpose	<input type="checkbox"/> Summary	<input checked="" type="checkbox"/> Analysis					
<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Action Requested						

PURPOSE

To accept an unopened public right-of-way on Hillview Street

To set a public hearing to permanently close the unopened right-of-way of Hillview Street adjacent to 206 and 300 Pleasant Drive (PIN: 9778-98-1624 and 9778-98-1795, respectively) and to vest all right, title and interest in such public right-of-way to Naomi Jones Hewett and Richard and Barbara Andrews

ANALYSIS

An unopened public right-of-way exists between 206 and 300 Pleasant Drive. This unopened right-of-way is approximately 43.83' in width and 150.50' in length and has never been dedicated to the Town.

The property owners of 206 and 300 Pleasant Drive, Naomi Jones Hewett and Richard and Barbara Andrews, have requested that this unopened public right-of-way be permanently closed and to vest all right, title and interest in the right-of-way to them as shown on the land survey dated July 6, 1998.

The property would be divided as follows: 21.92' to Naomi Jones Hewett
21.91' to Richard and Barbara Andrews

A plat recorded on May 24, 1941 in Plat Book 64, Page 96 of the Orange County Registry shows a 43.83' public right-of-way between the parcels identified as Tax Identification Numbers 9778-98-1624 and 9778-98-1795. The recording of this plat constitutes an offer of dedication.

In accordance with General Statute 160A-299, the following would be required to permanently close this unopened public right-of-way on Hillview Street:

- the adoption of a resolution declaring the Board's intent to permanently close a 43.83' portion of an unopened public right-of-way on Hillview Street
- the setting of a public hearing
- the publishing of the same resolution once a week for four successive weeks prior to the hearing
- mailing via certified mail, a copy of the same resolution to all owners of property adjoining the portion of Hillview Street and Pleasant Drive proposed for permanent closing on county tax records
- prominently posting a notice of the closing and public hearing in at least two places along the street adjacent to 206 and 300 Pleasant Drive
- the holding of a public hearing
- after the hearing, the Board may order the closing of the unopened public right-of-way
- if the portion of street is closed as proposed, a certified copy of the order must then be filed in the office of the register of deeds
- the Board's order to close would be subject to appeal for 30 days after adoption
- if the portion of street is closed as proposed, then all right, title and interest in the right-of-way shall be conclusively vested in those persons owning Tract 1 (PIN 9778-98-1624) and tract 2 (PIN 9778-98-1795) and the title of such adjoining landowners, for the 43.83' width of the abutting land owned by them, shall extend to the center of said street as indicated on the survey dated July 6, 1998.

ACTION REQUESTED

To initiate procedures to permanently close an unopened 43.83' portion of Hillview Street adjacent to 206 and 300 Pleasant Drive and to adopt the attached Resolution which would

- accept the 43.83' unopened public right-of-way on Hillview Street
- declare the Boards intent to close such public right-of-way on Hillview Street
- declare the Boards intent to reserve its right, title, and interest in the 43.83' section proposed to be closed; set a public hearing for September 22

**A RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN
TO CLOSE A 43.83' UNOPENED PUBLIC RIGHT-OF-WAY ON HILLVIEW STREET,
ADJACENT TO 206 AND 300 PLEASANT DRIVE
(PIN: 9778-98-1624 AND 9778-98-1795, RESPECTIVELY)
AND SETTING A PUBLIC HEARING TO HEAR ALL PERSONS
INTERESTED IN THIS PERMANENT CLOSING
Resolution No. 2/98-99**

WHEREAS, a May 24, 1941 plat record in Plat Book 64 at Page 96 shown as an unopened public right-of-way on Hillview Street constitutes an offer of dedication;

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

Section 1. The Board of Aldermen hereby accepts the 43.83' public right-of-way on Hillview Street, adjacent to 206 and 300 Pleasant Drive.

Section 2. The Board of Aldermen hereby declares its intention to close an unopened 43.83' public right-of-way adjacent to 206 and 300 Pleasant Drive (PIN: 9778-98-1624 and 9778-98-1795, respectively).

Section 3. The Board of Aldermen shall hold a public hearing on the proposed right-of-way closing at its regular meeting on September 22, 1998.

Section 4. This resolution shall be published once a week for four successive weeks prior to the hearing and a copy shall be sent by certified mail to the persons who, according to the county tax records, own property adjoining the right-of-way proposed to be closed. In addition a notice of the proposed closing and public hearing thereon shall be prominently posted in at least two places along the right-of-way to be closed.

Section 5. Should the right-of-way be closed as proposed, then all right, title and interest in the 43.83' unopened public right-of-way be closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the 43.83' public right-of-way identified by PIN 9778-98-1624 and 9778-98-1795 according to Orange County tax records and the title of such landowners identified by PIN 9778-98-1624 and 9778-98-1795, for the width of the abutting land owned by them, shall extend as shown on the land survey dated July 6, 1998.

Section 6. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote and was duly adopted this the 18th day of August 1998.

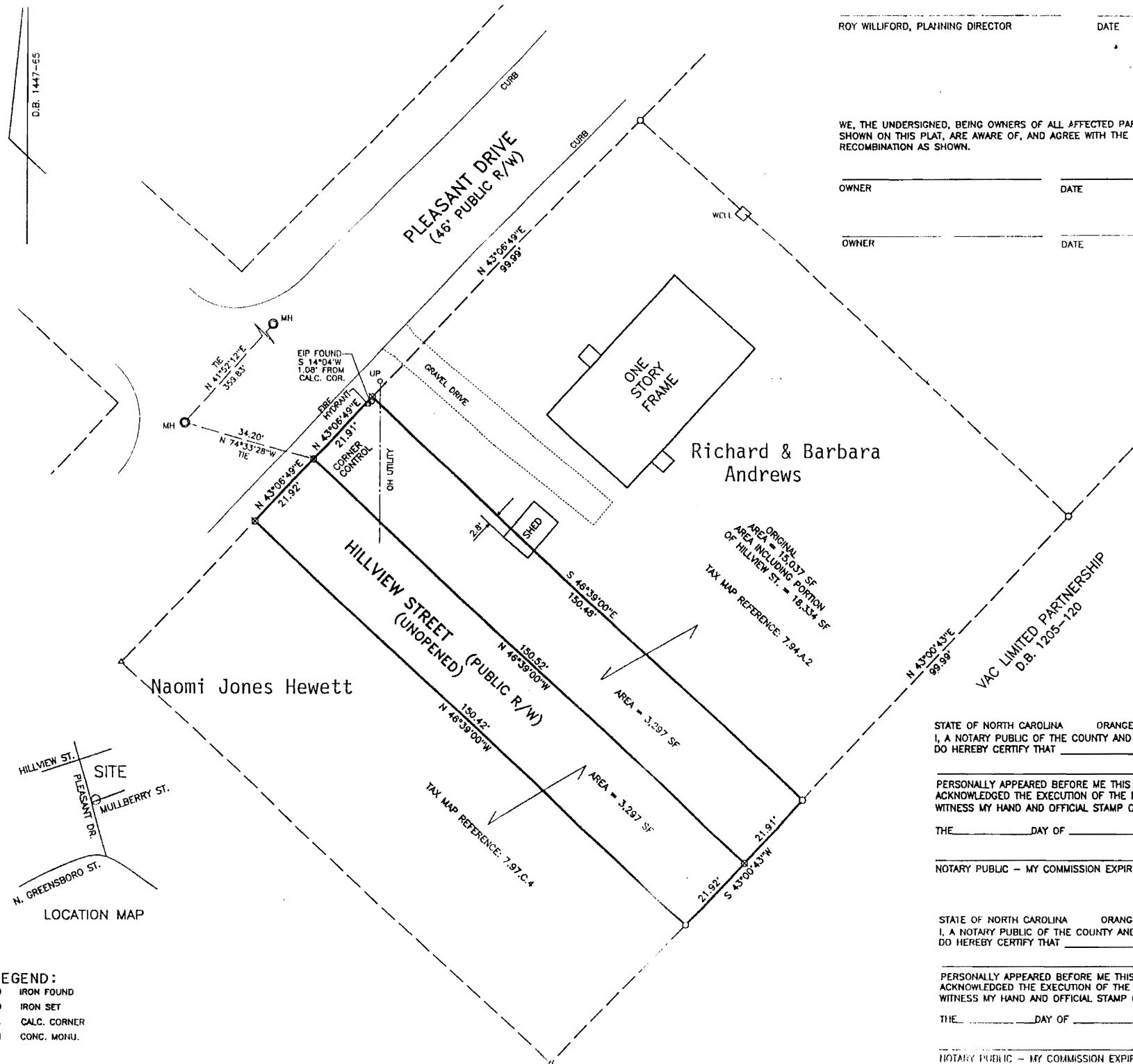
WE, THE UNDERSIGNED, BEING OWNERS OF ALL AFFECTED PARCELS OF LAND SHOWN ON THIS PLAT, ARE AWARE OF, AND AGREE WITH THE RECOMBINATION AS SHOWN.

OWNER

DATE

OWNER

DATE



Section 15-322 requires that any proposed amendments shall be referred to the planning board. If applicable, the proposed amendment shall also be referred to the Appearance Commission and/or the Transportation Advisory Board.

ANALYSIS

On February 4, 1986, the Board of Aldermen adopted an ordinance to amend the official Carrboro zoning map. By this action, the Board incorporated map and text changes that reconfigured the mix and location of commercial and residential uses in the center, and the oldest areas of the town. Many of these changes had been identified as part of the Hammer, Siler, George. study in 1983. Others were presented in the "Downtown and Commercial Rezoning Plan" in July, 1985, or selected as guiding principles for growth in Carrboro by the Year 2000 Task Force that was convened in March of 1985. The Board of Aldermen adopted the result of that group's effort, "Year 2000 Task Force Policies" in 1989. References found in these documents of specific relevance to this rezoning request are noted below.

Hammer, Siler, George, "Draft II – Downtown Carrboro Potentials and Strategies" (1983) The property at 103 Short Street was included within the area of the CBD study conducted as part of this plan's development. A copy of the map of the study area is attached. The property was included within an area categorized as "IV – 35" which was described as follows:

Map No. 35: Fitch/Northwest/H&B/Curl. This area includes the frontage and adjacent property bounded by North Greensboro, Weaver, Oak, and the CBD project boundary. This subarea is presently occupied by viable Town Center uses including Fitch Lumber, Fitch Creations, the Northwestern Bank, and the H&D and Curl offices.

This is prime Town Center land and if market potential were great we could anticipate redevelopment to higher density in the long range. Without this market pressure and with underutilized land and buildings available elsewhere in the downtown, we believe the property should continue in its present use.

"Downtown and Commercial Rezoning Plan" (1985) The boundary line for the study area that is illustrated on a map included within the plan indicates that 103 Short Street falls outside of the downtown and commercial rezoning. Policy # 11 included in the plan states that "it is the Town policy to achieve the downtown revitalization outlined in the prior policies with as little an impact on the existing neighborhoods as possible."

"Year 2000 Task Force Report" (1989) The Task Force recognized that expected population growth would spur commercial development. The Task Force noted that the need for additional commercial development could be met "either in the downtown area or in peripheral areas."

Policy 3.10, "Nature of Development" specifies four characteristics of commercial and industrial development, including that these activities "must not destroy the integrity of established neighborhoods."

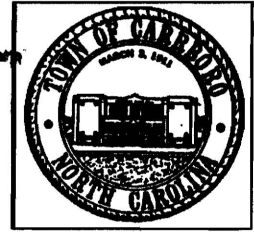
The Land Use Ordinance specifies that the principle issue before the Board in making this decision is "whether the proposed amendment advances the public health, safety or welfare." With regard to minor map amendments, as requested here, the ordinance further notes that the Board "shall not consider any representations made by the petitioner that, if the change is granted, the property will be used for only one of the possible range of permitted uses.

RECOMMENDATION

The Administration recommends that the Board deny the petition for a minor map amendment and direct staff to return all application materials, including fees that have been submitted.

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING



JUN 9 1998

PETITIONER

Christopher & Janet Vickers

DATE:

6-8-98

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R75 to B2 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Christopher K. & Janet P. Vickers
ADDRESS: 2209 Damascus Church Rd. Chapel Hill, NC 27516
TELEPHONE #: (919) 968-0204
2. INTEREST IN PROPERTY(IES): We have a contract to buy the house
conditional upon getting zoning chaged to B2 for use as an office
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: 103 Short St., Carrboro, NC 27510
corner of Short St. and Center St.
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: Miles M. Fitch, Jr.
TAX MAP: 98 BLOCK: H LOT: 4 ACREAGE: .13 PARCEL: 9778-86-2724
SUBDIVISION NAME: none FRONTAGE: 76 DEPTH: 78
EXISTING STRUCTURES AND USES: 1 story cinder block house currenting
being used as a residence.
 - b. OWNER: _____
TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____
SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

c. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

d. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS
WITHIN ~~200~~ FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

1000 ft

NAME

ADDRESS

Please see attached list of property owners within a 1000 feet.

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? Yes ___ NO ☒ X
If "YES", WHEN? _____

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

This property is located in an area where existing property is being used in a similar way, as office space. The property we have requested for rezoning faces the side of Fitch Lumber Co. and the adjoining lot on Short Street is already zoned commercial.

- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

We feel this space is well suited for use as office space.

Other properties in the area are being used in the same manner.

With other lots already zoned commercial adjoining this property.

- (c) How will the proposed rezoning affect the value of nearby buildings?

We feel that rezoning this lot will not have an effect either negative or positive on nearby buildings.

(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

The rezoning of this property should not encourage any changes in the planning jurisdiction. This is already a mixed use area with residential and business property.

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 9th DAY OF June, 1998.

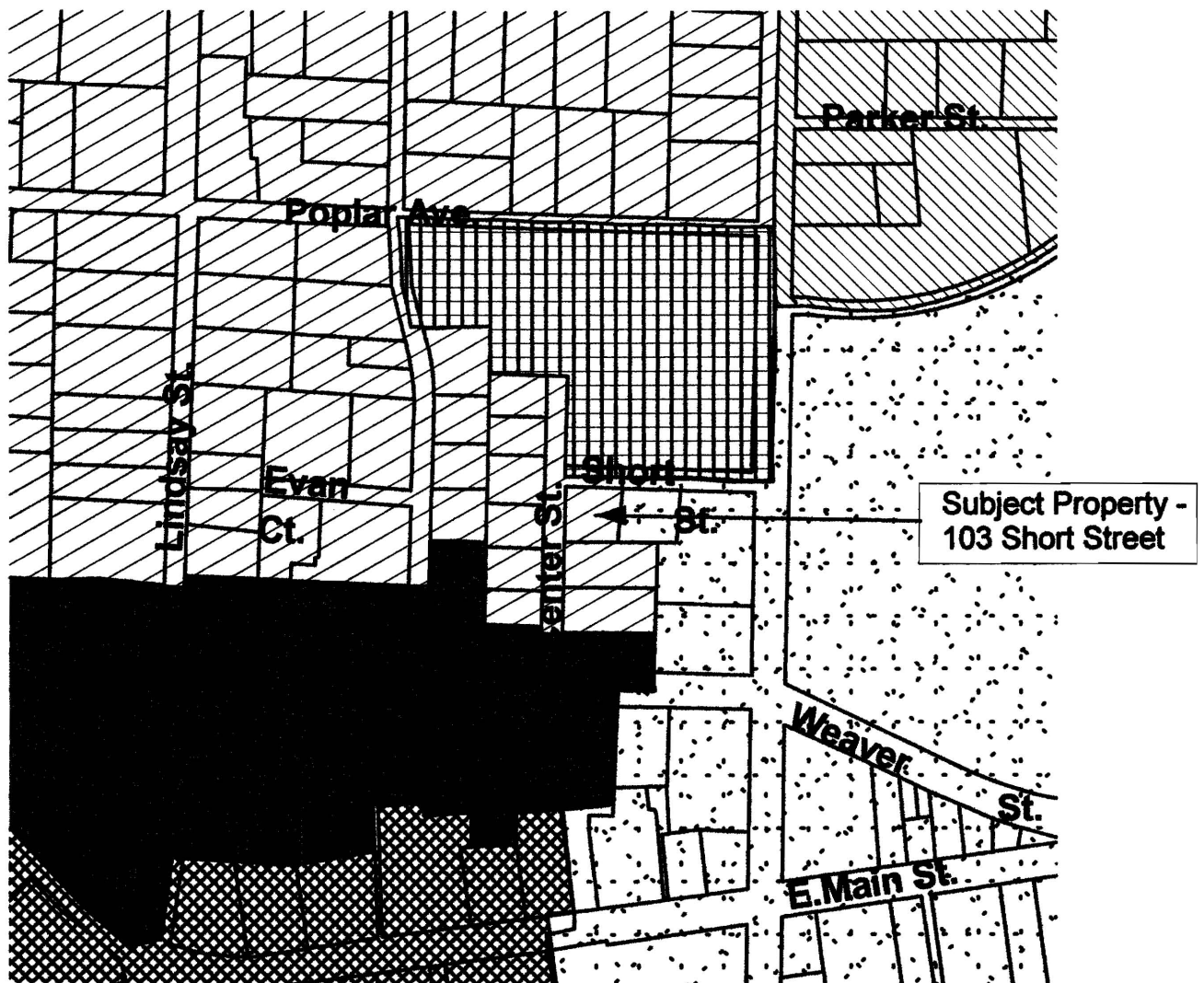
PETITIONER'S SIGNATURE:

Christopher K. Dickson
Janet P. Vickers







PLEASE NOTE

For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.

Property Location Map - Petition for Rezoning for 103 Short Street



Legend

	R - 7.5
	B - 1(C)
	B - 1(G)
	B - 2
	M - 1
	CT



Planning Department - August 14, 1998/pjm

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: August 18, 1998

SUBJECT: License Agreement – Roberson Place Bikepath

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: License Agreement between the Town of Carrboro and OWASA concerning Roberson Place sanitary sewer easement.	FOR INFORMATION CONTACT: Kenneth Withrow, 968-7714
THE FOLLOWING INFORMATION IS PROVIDED: (x) Summary () Action Requested () Analysis () Alternatives (x) Recommendation	

PURPOSE

The purpose of this agenda is for the Board of Aldermen to authorize the Town Manager to execute the attached License Agreement between the Town of Carrboro and OWASA.

SUMMARY

The Carrboro Board of Aldermen on January 16, 1996 issued a conditional use permit (CUP) for the Roberson Place subdivision; requiring among other conditions that the developer assist the Town in the construction of a bikepath through the subdivision connecting lands of Rogers Triem, Inc to the lands of Piedmont Electric.

A significant portion of the bikepath is over and along OWASA's easement within which a sewer main is located.

The Town has requested that OWASA recognize and permit the Town's use of the easement for the construction and maintenance of a bikepath over and across OWASA's easement.

OWASA has agreed to permit such access and has approved construction plans for the project. The attached agreement between the Town and OWASA addresses terms and conditions associated with easement usage.

RECOMMENDATION

The administration recommends that the Board authorize the Town Manager to execute the attached License Agreement between the Town of Carrboro and OWASA.

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

THIS LICENSE AGREEMENT is made and entered into by and between ORANGE WATER AND SEWER AUTHORITY, (herein "OWASA"), a public body, politic and corporate, organized and operating pursuant to Chapter 162A of the North Carolina General Statutes, with its principal office located in Carrboro, North Carolina, and the TOWN OF CARRBORO, (herein "TOWN"), a municipality of the State of North Carolina.

WITNESSETH:

WHEREAS, OWASA owns and operates the public sanitary sewer system serving the Town of Carrboro, and has acquired and constructed its collection system within various easements throughout the TOWN; and

WHEREAS, the TOWN has acquired and constructed and now permits the public use of a system of bike paths within easements and its own lands, throughout the TOWN;

WHEREAS, the TOWN has issued a conditional use permit to the developer of the "Robeson Place" subdivision requiring, among other conditions, that the developer assist the TOWN in the construction of a bike path to run through the subdivision connecting the lands of Rogers-Trim, Inc. to the lands of Piedmont Electric;

WHEREAS, the proposed location of a significant portion of the bike path is over and along OWASA's easement within which a Sewer Main is located, and the TOWN has requested that OWASA recognize and permit the TOWN's use of the easements for the construction and maintenance of a bike path over and across OWASA's easement for its said Sewer Main, and OWASA has agreed to permit such access and has approved construction plans for the project, subject to the following terms and conditions.

NOW, THEREFORE, the parties have agreed:

1. The TOWN shall have access over and across OWASA's easements wherein its Sewer Main within the Robeson Place subdivision is located for purposes of construction and maintenance of a paved bike path, subject to the following undertakings by the TOWN.

2. The TOWN shall be solely liable for any claims arising or made by any third party against OWASA or the TOWN for damages or injuries arising out of any person's use or presence upon the bike path, and the TOWN shall hold OWASA harmless and indemnify it from any such claims or the expense of defense of any such claim by any third party.

3. The TOWN shall be solely responsible for obtaining any rights necessary from the owners of the fee interests underlying OWASA's said easements, as the same may be required to allow the TOWN's access which OWASA will permit hereunder.

4. In the event that any damage is caused to OWASA's facilities within OWASA's said easements by or in the course of the TOWN's use herein provided, the TOWN shall restore or repay OWASA for the costs of restoration of such damage.

5. Nothing herein is intended to diminish in any way OWASA's rights to use its said easements for the purposes of construction, maintenance, operation, and reconstruction of its public sewer mains and facilities, and to the extent that such use by OWASA may result in damage to any TOWN facility located within OWASA's said easements, OWASA shall not be responsible for repair or replacement thereof. Nor shall OWASA be responsible for any loss or damage caused to the TOWN's Robeson Place Bike Path facility by reason of the hydraulic loading or discharge associated with the operation of its sewer main, including, without limitation, any discharge that may occur during or because of unusual rain events, it being the parties' understanding that such risks are inherent in the operation of a public sewer main.

Nevertheless, OWASA will use reasonable care in the operation and maintenance of its facilities, notwithstanding TOWN's assumption of the risk of damage by reason of the proximity of its bike path facility to the public sewer main.

This Agreement having been approved by the governing body of the TOWN, and by the Board of Directors of OWASA, the parties have caused the same to be signed and sealed by their respective duly authorized officers, to be effective from and after this ____ day of _____, 1998.

TOWN OF CARRBORO

ORANGE WATER AND
SEWER AUTHORITY

Town Manager

Executive Director

Attest:

Attest:

By:

Town Clerk

By: _____

AFFIX SEAL:

AFFIX SEAL:

NORTH CAROLINA
ORANGE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Sarah Williamson, personally came before me this day and acknowledged that she is Town Clerk of The Town Of Carrboro, a North Carolina municipal corporation, and that by authority duly given and as the act of the town, the foregoing instrument was signed in its name by its town manager, sealed with its corporate seal and attested by the Town Clerk. Witness my hand and official stamp or seal, this ____ day of _____, 19__.

Notary Public

My commission expires: _____ (STAMP-SEAL)

NORTH CAROLINA
ORANGE COUNTY

I, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that she is secretary of Orange Water And Sewer Authority, a public body, politic and corporate, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its chairman, sealed with its corporate seal and attested by _____. Witness my hand and official stamp or seal, this ____ day of _____, 19__.

Notary Public

My commission expires: _____ (STAMP-SEAL)