

**AGENDA  
CARRBORO BOARD OF ALDERMEN  
TUESDAY, SEPTEMBER 8, 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:** September 1, 1998
- (2) **Appointment to Arts Committee**

**The Chair of the Arts Committee recommends that Jacqueline Helvey-Hayes be appointed to the vacant seat on the Arts Committee.**

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

#### D. PUBLIC HEARINGS

**7:55 – 8:00**  
**NP**

- (1) Voluntary Annexation Request/United Church of Christ Living Center**

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. This property contains a total of 9.642 acres and is located on the northeast corner of the intersection of Culbreth Road and Smith Level Road. The administration recommends adoption of the ordinance annexing this property into the town limits effective September 30, 1998.

## E. OTHER MATTERS

8:00 – 8:10  
P/5

- (1) Request for Conditional Use Permit Minor Modification/Berryhill Subdivision**

Jim Brandewie, on behalf of The Berryhill Group, LLC, has applied for a minor modification to the conditional use permit for the Berryhill Subdivision, Phases 3 and 4 to formalize the approval of 11 lots in Phase 4. The CUP for this project did not include the approval of these 11 lots, but included a condition that required a minor modification for their formal approval. The administration recommends approval of the minor modification.

8:10 – 8:20  
P/5

- (2) Report on Baldwin Park Recreation Activities**

Before the Board of Aldermen's summer break, a report was scheduled on the request for recreation activities at Wilson Park. This item was postponed due to the number of items that needed to be resolved before the break. Subsequent conversations and meetings with residents in the Baldwin/Lloyd Street area over the summer culminate in information to be presented to the Board regarding the present status of this item.

- 8:20 – 8:40  
P/5
- (3) **Report on the B-2 Zoning District**
- The purpose of this item is to review the status of several businesses that are operating in the B-2 zoning district, but are not in compliance with the provisions of the Land Use ordinance.
- 8:40 – 8:50  
P/5
- (4) **Traffic Calming Devices – Pilot Project Results and Current Project Update**
- The purpose of this item is for the Board of Aldermen to review the results of the pilot study for undulations along Pine Street and adopt the traffic-calming device as a tool within Carrboro's Residential Traffic Management Plan. The Board will also receive a report on traffic calming devices installed along Cates Farm Road and Stratford Drive.
- 8:50 – 9:00  
NP
- (5) **Town Code Amendment Prohibiting Parking on Cates Farm Road Between Pathway Drive and Hillsborough Road**
- The purpose of this item is for the Board of Aldermen to consider adopting an amendment to Town Code which would prohibit parking along Cates Farm Road between Hillsborough Road and Pathway Drive.
- 9:00 – 9:10 BREAK
- 9:10 – 9:25  
P/5
- (6) **Discussion of Extension of Development Moratorium/Northern Study Area**
- The purpose of this item is to decide whether action should be initiated to extend the current moratorium on the acceptance of special or conditional use permit applications for projects within the Northern Study Area.
- 9:25 – 9:55  
NP
- (7) **Continuation of Discussion on Solid Waste Management Matters**
- The Board will complete its discussion of solid waste management issues initiated at the September 1<sup>st</sup> meeting of the Board.
- 9:55 – 10:00 F. MATTERS BY TOWN CLERK
- 10:00 – 10:10 G. MATTERS BY TOWN MANAGER
- 10:10 – 10:20 H. MATTERS BY TOWN ATTORNEY
- 10:20 – 10:30 I. 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.

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 8, 1998 at 8:00 p.m. in the Town Hall Board Room.

***PRESENT AND PRESIDING:***

Mayor	Michael Nelson
Aldermen	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	James E. Spivey
Town Attorney	Michael B. Brough

***ABSENT:***

Alderman Hank Anderson

**UNDULATIONS ON PINE STREET**

Jackie Allen, Pine Street resident, voiced appreciation to the Board for the installation of undulations on Pine Street and voiced hope that the undulations remain.

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**PLAQUE PRESENTED**

The Lloyd-Broad Street Community presented a plaque to the Carrboro Police Department for all of the work done and protection given to make the Lloyd-Broad Street community a safer place to live.

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**APPROVAL OF MINUTES**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE SEPTEMBER 1, 1998 MINUTES. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

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**APPOINTMENT TO ARTS COMMITTEE**

The Chair of the Arts Committee recommended that Jacqueline Helvey-Hayes be appointed to the vacant seat on the Arts Committee.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPOINT JACQUELINE HELVEY-HAYES TO THE ARTS COMMITTEE. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

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**PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/UNITED CHURCH OF CHRIST LIVING CENTER**

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. This property contains a total of 9.642 acres and is located on the northeast corner of the intersection of Culbreth Road and Smith Level Road. The administration recommended adoption of the ordinance annexing this property into the town limits effective September 30, 1998.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASES I, II, AND III OF THE UNITED CHURCH OF CHRIST LIVING CENTER." VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

Robert Morgan, Town Manager, explained that the applicant is anticipating moving residents into the facility on September 21, 1998. However, there are many outstanding site issues to be resolved before the Town can issue a certificate of occupancy. In an effort to accommodate the applicant, Mr. Morgan requested that the Board of Aldermen authorize him to accept the performance bond and allow the release of the certificate of occupancy.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO AUTHORIZE THE TOWN MANAGER TO ACCEPT A PERFORMANCE BOND IN AN AMOUNT THAT IS TO BE DETERMINED AFTER A LIST OF ISSUES OF CONCERN HAVE BEEN INNUMERATED. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

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**REQUEST FOR CONDITIONAL USE PERMIT MINOR MODIFICATION: BERRYHILL SUBDIVISION**

Jim Brandewie, on behalf of The Berryhill Group, LLC, has applied for a minor modification to the conditional use permit for the Berryhill Subdivision, Phases 3 and 4 to formalize the approval of 11 lots in Phase 4. The CUP for this project did not include the approval of these 11 lots, but included a condition that required a minor modification for their formal approval. The administration recommended approval of the minor modification.

Keith Lankford, Zoning Administrator, made the staff presentation. Mr. Lankford reviewed the staff recommendations.



Jim Brandewie, developer of the project, informed the Board that the lots would only be sold to builders.

Wayne Hadler, legal counsel for the The Berryhill Group, LLC, explained that it is a legal requirement that floodplain lines be displayed on the land survey. Mr. Hadler explained that oftentimes homebuyers are required to sign a document acknowledging that they have seen a land survey with floodplain lines displayed.

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE MINOR MODIFICATION WITH THE CONDITION THAT THE APPLICANT INCLUDE NOTES ON THE FINAL PLAT STATING:**

- (1) No filling activities will be allowed beyond the field surveyed 100-year flood plain based upon the flood study provided by the Town of Carrboro on June 10, 1998; and
- (2) Grading plans and building permits requested for Lots 29 through 42 and Lots 48 through 53 must be reviewed and approved by the Town Engineer and minimum finished floor elevations associated with these lots must be shown on the final plat.
- (3) That the Applicant, in his marketing efforts, shall disclose to any and all potential buyers the specific floodway lines of the area of the lots considered buildable and the fact that areas which are considered unbuildable and in the floodways are subject to flooding. The Applicant shall keep a record of this notice of acknowledgment for inspection by the Town.

**VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).**

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### **REPORT ON BALDWIN PARK RECREATION ACTIVITIES**

Before the Board of Aldermen's summer break, a report was scheduled on the request for recreation activities at Baldwin Park. This item was postponed due to the number of items that needed to be resolved before the break. Subsequent conversations and meetings with residents in the Baldwin/Lloyd Street area over the summer culminate in information to be presented to the Board regarding the present status of this item.

Richard Kinney, Recreation and Parks Director, made a report to the Board. Mr. Kinney informed the Board that the Recreation and Parks Department has, over the summer, worked closely with the Neighborhood Association in addressing the issues of the water fountain, park lighting, fencing the park, and port-a-toilets. Mr. Kinney explained that the drinking fountain and the port-a-toilets are being addressed with input from the Neighborhood Association and OWASA; the park lighting issue is being addressed by the Police and Public Works Departments; and the issue of fencing has been delayed per the request of the Neighborhood Association.

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## **REPORT ON THE B-2 ZONING DISTRICT**

The purpose of this item was to review the status of several businesses that are operating in the B-2 zoning district, but are not in compliance with the provisions of the Land Use Ordinance.

Trish McGuire, Land Use Planner, made the staff presentation and requested direction from the Board as to how to proceed in addressing this matter.

Sharon Collins, Balloons & Tunes business owner, voiced support for the idea to allowing input from business owners and property owners.

The Board referred this item to staff to develop a steering committee to hold a meeting to address this matter. The steering committee is to consist of a member of the Board of Aldermen (Alex Zaffron), a member of the Planning Board, a member of the Downtown Development Commission, a member of the business community, and a property owner. This steering committee is to have staff support.

Mike Brough, Town Attorney, encouraged the Board to address this matter as expeditiously as possible.

By consensus, the Board set October 31, 1998 as the deadline date to address this matter.

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## **TRAFFIC CALMING DEVICES – PILOT PROJECT RESULTS AND CURRENT PROJECT UPDATE**

The purpose of this item is for the Board of Aldermen to review the results of the pilot study for undulations along Pine Street and adopt the traffic-calming device as a tool within Carrboro's Residential Traffic Management Plan. The Board also received a report on traffic calming devices installed along Cates Farm Road and Stratford Drive.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT UNDULATIONS (A.K.A. SPEED HUMPS) BE INCLUDED AS A TRAFFIC-CALMING DEVICE WITHIN THE CARRBORO RESIDENTIAL TRAFFIC MANAGEMENT PLAN. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

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## **TOWN CODE AMENDMENT PROHIBITING PARKING ON CATES FARM ROAD BETWEEN PATHWAY DRIVE AND HILLSBOROUGH ROAD**

The purpose of this item was for the Board of Aldermen to consider adopting an amendment to the Town Code which would prohibit parking along Cates Farm Road between Hillsborough Road and Pathway Drive.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE

DESIGNATING NO PARKING ON CATES FARM ROAD.” VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

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### **DISCUSSION OF EXTENSION OF DEVELOPMENT MORATORIUM/NORTHERN STUDY AREA**

The purpose of this item is to decide whether action should be initiated to extend the current moratorium on the acceptance of special or conditional use permit applications for projects within the Northern Study Area.

MOTION WAS MADE BY ALEX ZAFRON AND SECONDED BY JACQUELYN GIST TO DIRECT THE TOWN ATTORNEY TO DRAFT AN ORDINANCE TO EXTEND THE DEVELOPMENT MORATORIUM FOR AN ADDITIONAL THREE (3) MONTHS; WHICH EXTENDS THE MORATORIUM UNTIL DECEMBER 31, 1998. VOTE: AYES 3 (Zaffron, Gist, Spalt); NOES 3 (Caldwell, Nelson, McDuffee); ABSENT/EXCUSED 1 (Anderson).

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO DIRECT THE TOWN ATTORNEY TO DRAFT TWO (2) ORDINANCES FOR CONSIDERATION AT AN OCTOBER 06, 1998 PUBLIC HEARING; ONE OF THE ORDINANCES WOULD AUTHORIZE A TWO MONTH EXTENSION OF THE DEVELOPMENT MORATORIUM AND THE OTHER ORDINANCE WOULD AUTHORIZE A THREE (3) MONTH EXTENSION OF THE DEVELOPMENT MORATORIUM. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

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### **CONTINUATION OF DISCUSSION ON SOLID WASTE MANAGEMENT MATTERS**

The Board continued its discussion of solid waste management issues initiated at the September 1<sup>st</sup> meeting of the Board.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE ONLY PROPERTY WHICH THE TOWN OF CARRBORO WOULD CONSIDER ALLOWING THE PURCHASE OF BY THE LANDFILL ARE PROPERTIES TAX MAP REFERENCED: 7.18..27, 7.18..27E, 7.18..27F; THAT ALL THESE PROPERTIES MUST BE OFFERED FREELY FOR PURCHASING; AND THAT THE PROPERTIES, IF PURCHASED, ARE TO BE USED ONLY FOR A TRANSFER STATION AND/OR MATERIALS RECOVERY FACILITY AND/OR FOR BUFFERING. VOTE: AYES 6 (Zaffron, Caldwell, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 1 (Anderson).

By consensus, the Board amended recommendation #2 regarding the Greene Tract to read: “No more than sixty (60) acres of the Greene Tract shall be used by the County for solid waste activities, but not for a municipal solid waste landfill..”

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## **VOTING DELEGATE FOR 1998 ANNUAL LEAGUE BUSINESS MEETING**

Board members who are interested in attending the League of Municipalities 1998 Annual Business Meeting will contact the Clerk's Office. From those, if any, interested in attending the meeting, a Board member will be designated as a voting delegate and a Board member will be designated as an alternate voting delegate.

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## **JOINT TRAINING SESSION FOR PLANNING BOARD MEMBERS**

By consensus, the Board voiced interest in participating in a joint training session of Planning Board members of the Town of Chapel Hill, Orange County, and the Town of Carrboro. The training session is to take place at the Institute of Government. This request and/or invitation was extended by the Margaret Brown, Chair of the Orange County Commissioners.

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## **SOCCER FIELD ACCESSIBILITY**

The Board directed staff to make the football field available for soccer to be played at least on Sunday mornings. This directive is given in an effort to address concerns of the Latino-Hispanic community that soccer playing is not presently allowed on the football field.

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## **SOLID WASTE RESOLUTIONS**

Alderman Spalt asked the Board for direction regarding two resolutions on waste – Zero Waste Resolution and Producer Responsibility Resolution.

The Board directed that the two resolutions be included in the Board's agenda packet for the next Board meeting and action will be taken at that meeting.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT THE MEETING BE ADJOURNED AT 10:40 P.M. VOTE: AFFIRMATIVE ALL.

# UCC Assisted Living, Inc.

405 Smith Level Rd.  
Chapel Hill, NC 27516-2757  
919-929-7859

*\* A Ministry Partnership of the  
New Covenant Christian Church,  
the United Church of Chapel Hill, and  
the United Church Retirement Homes, Inc.\**

Tuesday, September 8, 1998

Carrboro Board of Alderman  
Town of Carrboro, NC

Honorable Representatives,

The members of the Board of Directors for UCC Assisted Living, Inc., request that you grant our project a Certificate of Occupancy on the contingency of a Performance Bond toward the completion or resolution of items required by the Zoning Division, dated September 4, 1998. We accept the responsibility for fulfilling the obligations on which we agree or for resolving our differences with the Zoning Division by October 1, 1998. We offer a bond of \$26,875.

The justification for this bond is related to the needs of the future residents of this Shepherd House. Nearly 35 elderly citizens in need of assistance with their activities of daily living have financially committed to moving to Shepherd House. Many of them need to move as quickly as possible for many different reasons. This project is already at least one month behind schedule due to circumstances beyond our control. But this delay has jeopardized some residents' ability to wait any longer. They need to come to Shepherd House now.

There are many agencies for which inspections are required for this project. And each succeeding inspection is dependent upon the completion of the previous inspections. A delay the completion of one project task can delay the inspection from one agency for two or more weeks, such as the Division of Labor's elevator inspection being delayed because phone connections were not installed at the promised time. There are several of these incidents. Now, we hope for an inspection by the NC Division or Facility Services this week. Their inspections are extremely rigorous, but they will not conduct an inspection without a CO in hand. If they do not inspect Shepherd House this week they have indicated they would not be able to reschedule an inspection for two weeks or more.

From the view of UCC Assisted Living, Inc., we can not afford to loose the commitments of senior citizens who have been patiently waiting for us to open. Shepherd House was built to offer

affordable care to those in need. Indeed, our rates are the lowest in the area, and we do not require an entrance fee. Further delays that would cause the lose of residents who have already waited one month longer than anticipated, but potentially put Shepherd House in financial peril.

Attached is an estimate of the cost of the items needing correction from the Zoning Division inspection report of 9/4/98. We would be willing to review this estimate with the Town Manager and Zoning Inspector for accuracy, but feel that amount is sufficient to assure the Town that inspection items will be resolved.

We hope that these reasons are compelling enough and the suggested bond amount is sufficient for you to grant us a Certificate of Occupancy under a Performance Bond Agreement.

Respectfully,

A handwritten signature in cursive script, appearing to read "Henry A. Lister".

Henry A. Lister  
Secretary

Henry Lister

**Deficient/Incorrect Items – UCC Assisted Living Center  
Zoning Division  
(September 4, 1998 Inspection)**

\*\*\*\*\* = Health/Safety Concern

- 1. Change gutter drainage pipes (especially at corner of building at Culbreth Road entrance) so that they do not drain across access entrance (freezing hazard); 3000
- 2. Adjust the screening fence and dumpster to meet the required 25' building setback in the service yard area (noted on sheet SP-1 of approved construction plans);
- 3. \*\*\*\*\* Remove the construction trailer and the 'box-car' dumpster; 0
- 4. Re-grade area behind the storage building at service yard to eliminate the ponding water in this location;
- 5. Re-grade (cut) the berm along Culbreth Road, behind the out-building and patio courtyard and along Smith Level Road to the approved grading plan – see letter from Town Engineer dated 8/31/98 and faxed on September 4, 1998 (applicant was initially informed of this problem on July 17, 1998);
- 6. Replant all of the landscaping in this area after the berm height has been reduced to match the approved grading plan;
- 7. Adjust the light height for the light located behind the patio courtyard (the light is presently located on the berm);
- ✓ 8. Remove the rocks, roots and construction debris along the Smith Level Road side of the building;
- Onsight? 9. Eliminate the erosion problems along the Smith Level Road side of the building, especially in the area of the catch basin along Smith Level Road on the University Commons project;
- + 10. The handicapped spaces on the north side of the building (between the building and the entrance to the University Commons project) do not meet the minimum standards required – staff approved an insignificant deviation to move one of the handicapped spaces elsewhere on site to this location based on information provided by the applicant demonstrating that there was enough room for two HC spaces – there is not enough room for two HC spaces – re-stripe to one space (HC space = 8' x 19' with a 5' x 19' access aisle), add a HC parking sign, install the parking block 3.5' from edge of pavement and relocate the other HC spot to its original location, ensuring accessibility; 2 spaces
- + 11. Re-stripe all spaces to ensure the minimum size of 8.5' x 19' (not including the HC and parallel spaces); 200
- ✓ 12. Re-locate all car stops to 3.5' from face of curb or edge of pavement;
- + 13. \*\*\*\*\* Remove the storage trailers, scrap metal, pallets, vegetative debris and brick piles on the north side of the project between the building and the University Commons project;
- 14. The incomplete timber wall near the gazebo is not on the plans and is therefore not authorized for construction – this wall will need approval from the Town Engineer prior to completion; 0
- 15. The sidewalk leading to the gazebo from the east parking lot (between the building and the Phase I construction) should be handicapped accessible from the 0

+ = will be completed  
 ? = not our responsibility  
 ✓ = completed  
 - = questioned

- parking lot to the building – this is not the case – steps have been added to the sidewalk rendering it inaccessible – it appears that the grading in this area (particularly north of the gazebo) has changed +/- 4' – re-grade the area to the approved grading plan – if steps are still needed, a modification must be pursued;
- ✓ 16. Clean apparent storm debris from the area around the gazebo;
  - + 17. Re-stripe the three parallel spaces near the entrance to the required size (9.5' x 22'); 200
  - + 18. \*\*\*\*\*Remove all construction debris from around the building entrance including another 'box-car' dumpster;
  - + 19. Trim all dead limbs from trees around the building entrance; 300
  - + 20. Consider painting all handrails around the site; okay
  - + 21. \*\*\*\*\*Install fire lane striping as required by the Carrboro Fire Marshall, Stan Foushee; 300
  - + 22. \*\*\*\*\*Interior inspection to ensure that the floor plan matches what was approved (i.e. number of beds, amount of interior recreation areas, etc.); 0
  - + 23. Official sign-off from the Building Inspections Division on building related issues; 0
  - + 24. Complete all outstanding items needed by the Chapel Hill Transit Authority (bus stop), NCDOT (road widening/right-of-way disturbance), the Carrboro Town Engineer (inspection on 9/8/98 and prior inspection reports), OWASA (utilities) and Carrboro Public Works (see list below).

\*Please note that some of the requested changes and changes of other agencies may generate additional concerns that will have to be addressed to the satisfaction of the Zoning Division (e.g. items 14 and 15 above may generate the need for additional grading, additional clearing or additional drainage structures).

### Deficient/Incorrect Items – UCC Assisted Living Center Public Works (September 4, 1998 Inspection)

- ✓ 1. Culbreth Road widening – east end of curb needs further stabilization – placement of rip/rap or stabilization geo-grid to prevent erosion at curb discharge;
- ✓ 2. Culbreth Road widening – junction box added downstream from CI-5 in r-o-w – change out "Sanity Sewer" imprinted casted cover with "Town of Carrboro – Stormwater – Danger – Entry Permit Required" imprinted casted cover – contact David Poythress at 968-7716;
- ✓ 3. Culbreth Road widening – remove form wood from sidewalk area – several pieces of 2" x 6" stacked on sidewalk in front of bus shelter;
- ✓ 4. Bus Shelter – stabilization of adjoining slopes are required due to erosion of slopes and sediment running onto bus shelter pad and sidewalk areas;
- ✓ 5. Bus Shelter – additional stabilization needed in places along back of curb on east side of Culbreth Road entrance;
- + 6. West side of Culbreth Road entrance – fill in shoulder ruts – per NCDOT standards, roadway shoulders shall have a compacted soil density of 98% - would



recommend placement of tall stakes 2' off of edge of pavement and stringing surveyors or construction tape along length of disturbed shoulder to discourage pulling off of vehicles;

- 7. Culbreth Road entry - paved entry and drive access has same existing condition of inverted crown which does not shed roadway runoff into gutter - transition from inverted crown to west side super-elevation is low in middle which allows stormwater flow to discharge into middle of Culbreth Road intersection; GRADE and Pre Paving was approved by Bythness
- 8. Smith Level Road - repair area where grading contractor's bulldozer was loaded onto a lowboy trailer and tractor (NC License # DL-5929) - ruts need to be filled and areas disturbed graded out seeded and strawed;
- ? 9. Smith Level Road - roadway swale needs further stabilization - erosion is already evident downstream.

Any other items found by OWASA, NCDOT, CHTA or Sungate Design during their site inspections (all are necessary prior to receiving C.O.'s)

Items we agree to complete: Total \$4000  
25% + 1000

Bond Value \$5000

Items questioned

\$17,500

22,500

+25% of \$17.5k 4375

\$26,875

**JEG CONSTRUCTION, INC  
101-A N. MARKET ST  
BENSON, N.C. 27504  
919-894-8482**

**TO: JAMES FERGUSON  
RE: ASSISTED LIVING CENTER  
DATE: SEPTEMBER 8, 1998**

1. To install approximately 200 (+/-) ft of  
8" storm drain along Assisted Living  
Center Building.  
To cut asphalt drive and tap 8" storm  
drain to existing catch basin. **\$3000.00**
2. To dig and regrade berm along Smith  
Level Rd and Culbreth Rd. approximately  
1200 cu yd of rocky material at a unit price  
of \$10 a cu yd to be hauled off. **\$12,000.00(+/-)**  
NOTE: A topographic survey of berm  
will be performed before work & after  
work. This yardage in material could vary  
either way.
3. To remove landscaping from berm area and then  
replant material after work is performed. **\$1750.00**

# BOARD OF ALDERMEN

ITEM NO. B(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 8, 1998

**SUBJECT:** Appointment to Arts Committee

<b>DEPARTMENT:</b> n/a	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> Application from Jacqueline Helvey-Hayes	<b>FOR INFORMATION CONTACT:</b> Elizabeth Boisson, Chair, Arts Committee

### PURPOSE

The Chair of the Arts Committee is recommending that Jacqueline Helvey-Hayes be appointed to the vacant seat on the Arts Committee.

### SUMMARY

There is currently one vacant seat on the Arts Committee, which was created by the resignation of Janet Callahan. The town has received an application from Jacqueline Helvey-Hayes who has expressed an interest in serving on the Arts Committee.

### ACTION REQUESTED

To consider appointing Jacqueline Helvey-Hayes to the Arts Committee.

# TOWN OF CARRBORO



## Application for Membership on Advisory Board

NAME: Jacqueline Helvey-Hayes  
8/26/98

DATE:

ADDRESS: 111 Roberts St.

IS THIS ADDRESS LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF CARRBORO? yes

TELEPHONE: [HOME] 933-9312 [BUSINESS] 933-9973 DATE OF BIRTH: 6/29/54

RACE: W SEX: F OCCUPATION: web site developer

ARE YOU A REGISTERED ORANGE COUNTY VOTER? yes LENGTH OF RESIDENCE IN ORANGE COUNTY: 19 TOWN OF CARRBORO 15 years

### COMMUNITY ACTIVITIES/ORGANIZATIONAL MEMBERSHIPS:

Participated in Fete de la Musique. Webmistress for Carrboro.com  
a website based on Carrboro and the surrounding area

***I wish to be considered for appointment to the following advisory board(s):***

<input type="checkbox"/> Board of Adjustments	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Appearance Commission	<input type="checkbox"/> Transportation Advisory Board
<input type="checkbox"/> Cable T.V. Committee	<input type="checkbox"/> Parks & Recreation Commission
<input type="checkbox"/> Human Services Commission	<input type="checkbox"/> Cemetery Commission
<input type="checkbox"/> OWASA Board of Directors	<input type="checkbox"/> Downtown Development Commission
<input type="checkbox"/> Orange County Econ. Devel. Com.	<input type="checkbox"/> Environmental Advisory Board
<input type="checkbox"/> Budget Review Committee	<input checked="" type="checkbox"/> Arts Committee      Other

***If you apply for membership on more than one advisory board, please indicate your preference by number, with "1" being your first choice (please limit your selection to two (2) boards). Please note that membership is limited to one advisory board at a time. You shall not be considered for appointment to another board unless you resign before filing an application or you are in the last six months of your current term.***

### EXPERIENCE TO AID YOU IN WORKING ON THESE ADVISORY BOARDS:

I was born an artist and writer.

### REASON(S) YOU WISH TO BE APPOINTED:

I've been working with the committee and really enjoy it.  
would like to become an official member

HAVE YOU EVER SERVED ON ANY TOWN OF CARRBORO ADVISORY BOARD? IF "YES", WHICH ONE(S) NO

# BOARD OF ALDERMEN

ITEM NO.: D(1)

## AGENDA ITEM ABSTRACT

**MEETING DATE:** SEPTEMBER 08, 1998

**SUBJECT:** PUBLIC HEARING: VOLUNTARY ANNEXATION OF THE UNITED CHURCH OF CHRIST (UCC) LIVING CENTER

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<b>ATTACHMENTS:</b> PETITIONS FOR ANNEXATION DEED DESCRIPTIONS LOCATION MAPS ORDINANCE	<b>FOR INFORMATION CONTACT:</b> <b>ROY M. WILLIFORD, 968-7713</b>	
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b>		
(X) PURPOSE	(X) ACTION REQUESTED	(X) ANALYSIS
(X) SUMMARY	(X) RECOMMENDATION	

### **PURPOSE:**

To receive citizens' comments regarding the proposed annexation of 9.642 acres which is referenced as the UCC Project.

### **SUMMARY:**

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 receive citizens' comments and 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 ordinance which annexes the 9.642 acres, referenced as the UCC Project, into the Town Limits effective September 30, 1998.

# TOWN OF CARRBORO

## PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY



0334 1 & 700

JUL 31 1998

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 6<sup>th</sup> 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 2.281 acres more or less.



# TOWN OF CARRBORO

## PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY



REC'D JUL 31 1998

JUL 31 1998

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.

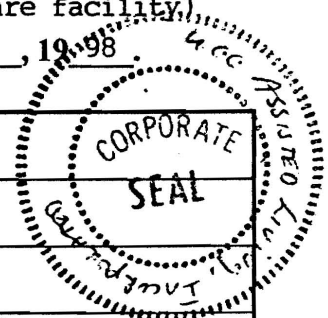
3) A MAP (NO LARGER THAN 18" X 24") OF THE FOREGOING PROPERTY, SHOWING ITS RELATIONSHIP TO THE EXISTING CORPORATE LIMITS OF THE TOWN, IS ALSO ATTACHED HERETO.

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.



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, 19 98.

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/REQUESTOR:	Malcolm Ray Hunter, Jr. <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 9 - REC'D

"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 I.

(NOTE: ROTATION FROM PLAT)

D.B. 539. PG. 353

PHASE 1  
3.914 acres

PHASE 2  
3.447 acres

**T. E. Best Heirs**  
NOW OR FORMERLY

**Charles Be**  
**Lot 15H**  
D.B. 957, PG. 182

# LOCATION MAP UCC Living Center Annexation

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

Existing  
City Limits

Area to be  
annexed

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

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

Existing  
City Limits

ROCK HAVEN RD

WOODCREST DR

CULBRETH RD


NUTTREE LA

RIGHTSTREAM PL

WATERBROOK LA

COBBLE RIDGE DR

COLUMBIA

"This map is not a certified survey and no reliance may be placed in its accuracy"  
  
Craig M. Harmon, GIS Specialist

The following ordinance was introduced by Alderman \_\_\_\_\_ and duly seconded by Alderman \_\_\_\_\_.

**AN ORDINANCE ANNEXING**  
**Phases I, II and III, United Church of Christ Living Center**

WHEREAS, petitions were received requesting the annexation of Phases I, II and III of the UCC Living Center; and

WHEREAS, the petitions were signed by the owners of all the real property located within such area; and

WHEREAS, a public hearing on the question of annexation was held on September 1, 1998, following notice of such hearing published in The Chapel Hill News on August 21, 1998.

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

Section 1. The Board of Aldermen finds that a petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the Town of Carrboro, as the term "contiguous" is defined in G.S. 160A-31(f).

Section 2. The following area is hereby annexed to and made a part of the Town of Carrboro:

**Phase I**

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 and 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 and 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 and Smith Level Road, running thence with the northern right-of-way of Culbreth Road, N 7353' 44" W – 137.93' 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 ad 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 I.

## **Phase II**

Being all 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 and Smith Level Road, running thence with eastern right-of-way of Smith level Road N 35 degrees 54' 47" E – 49.56' to a computed point; thence N 34 degrees 20' 58" E – 49.88' to a computed point; thence N 31 degrees 34' 34" E – 51.00' to a computed point; thence N 29 degrees 03' 59" E – 50.31' to a computed point; thence N 26 degrees 55' 24" E – 50.20' to a computed point; thence N 24 degrees 56' 34" E – 50.39' to a computed point; thence N 23 degrees 21' 32" E – 50.68' to a computed point; thence N 22 degrees 33' 52" E – 49.62' to a computed point; thence N 21 degrees 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 degrees 48' 00" E – 147.94' to an iron rod set; thence running a new line with New Covenant Christian Church, S 02 degrees 18' 58" E – 15.03' to an iron rod set; thence running a new line with New Covenant Christian Church, S 88 degrees 48' 00" E – 84.82' to an iron rod set; thence running a new line with New Covenant Christian Church, S 11 degrees 46' 1" " – 22.46' to an iron rod set; thence a new line with New Covenant Christian Church, S 05 degrees 08' 16" West – 109.10' to an iron rod set; thence a new line with New Covenant Christian Church, N 84 degrees 15' 49" W – 66.60' to an iron rod set; thence a new line with NCCC, S 35 degrees 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 degrees 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 Gratham on October 7, 1990 by deed recorded in the Orange County Registry. Further reference noted hereon as Phase 2.



### **Phase III**

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 particularly 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 degrees 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 degrees 30' 00" East, 467.01 feet to an existing iron pipe; thence with Charles Best and the T.E. Best Heirs North 03 degrees 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 degrees 48' 00" West, 405.12 feet to an existing iron rod; thence North 11 degrees 46' 21" West 233.57 feet to an existing iron rod; thence with University Commons Condominiums (formerly Larry Atwater) South 88 degrees 48' 00" East, 467.95 feet to a rock; thence with T.E. Best heirs South 03 degrees 49' 08" West, 227.84 feet to the point and place of beginning and containing 2.281 acres more or less.

Section 3. The area within the street right-of-way (to the center of the street) immediately adjacent to the boundaries of the above-described area is also annexed to the Town of Carrboro.

Section 4. The Board hereby strongly requests that the applicant for the annexation and all persons associated with the annexed property indicate in all advertisements and sales information regarding this property that the property is located within the corporate limits of the Town of Carrboro.

Section 5. This ordinance shall become effective on September 30, 1998.

Section 6. The Town Clerk shall cause to be recorded in the Office of the Register of Deeds of Orange County and in the Office of the Secretary of State an accurate map of the annexed territory described in Sections 2 and 3 together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September, 1998:

Ayes:

Noes:

Absent or Excused:

The following ordinance was introduced by Alderman Allen Spalt and duly seconded by Alderman Alex Zaffron.

AN ORDINANCE ANNEXING  
Phases I, II and III, United Church of Christ Living Center  
Ordinance No. 1/98-99

WHEREAS, petitions were received requesting the annexation of Phases I, II and III of the UCC Living Center; and

WHEREAS, the petitions were signed by the owners of all the real property located within such area; and

WHEREAS, a public hearing on the question of annexation was held on September 1, 1998, following notice of such hearing published in The Chapel Hill News on August 21, 1998.

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

Section 1. The Board of Aldermen finds that a petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the Town of Carrboro, as the term "contiguous" is defined in G.S. 160A-31(f).

Section 2. The following area is hereby annexed to and made a part of the Town of Carrboro:

**Phase I**

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 and 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 and 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 and Smith Level Road, running thence with the northern right-of-way of Culbreth Road, N 7353' 44" W – 137.93' 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 road 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 road set in the line of T.E. Best heirs; thence with T.E. Best heirs ad 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 I.

### **Phase II**

Being all 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 and Smith Level Road, running thence with eastern right-of-way of Smith level Road N 35 degrees 54' 47" E – 49.56' to a computed point; thence N 34 degrees 20' 58" E – 49.88' to a computed point; thence N 31 degrees 34' 34" E – 51.00' to a computed point; thence N 29 degrees 03' 59" E – 50.31' to a computed point; thence N 26 degrees 55' 24" E – 50.20' to a computed point; thence N 24 degrees 56' 34" E – 50.39' to a computed point; thence N 23 degrees 21' 32" E – 50.68' to a computed point; thence N 22 degrees 33' 52" E – 49.62' to a computed point; thence N 21 degrees 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 degrees 48' 00" E – 147.94' to an iron rod set; thence running a new line with New Covenant Christian Church, S 02 degrees 18' 58" E – 15.03' to an iron rod set; thence running a new line with New Covenant Christian Church, S 88 degrees 48' 00" E – 84.82' to an iron rod set; thence running a new line with New Covenant Christian Church, S 11 degrees 46' 1" " – 22.46' to an iron road set; thence a new line with New Covenant Christian Church, S 05 degrees 08' 16" West – 109.10' to an iron rod set; thence a new line with New Covenant Christian Church, N 84 degrees 15' 49" W – 66.60' to an iron rod set; thence a new line with NCCC, S 35 degrees 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 degrees 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 Gratham on October 7, 1990 by deed recorded in the Orange County Registry. Further reference noted hereon as Phase 2.

### **Phase III**

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 particularly 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 degrees 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 degrees 30' 00" East, 467.01 feet to an existing iron pipe; thence with Charles Best and the T.E. Best Heirs North 03 degrees 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 degrees 48' 00" West, 405.12 feet to an existing iron rod; thence North 11 degrees 46' 21" West 233.57 feet to an existing iron rod; thence with University Commons Condominiums (formerly Larry Atwater) South 88 degrees 48' 00" East, 467.95 feet to a rock; thence with T.E. Best heirs South 03 degrees 49' 08" West, 227.84 feet to the point and place of beginning and containing 2.281 acres more or less.

Section 3. The area within the street right-of-way (to the center of the street) immediately adjacent to the boundaries of the above-described area is also annexed to the Town of Carrboro.

Section 4. The Board hereby strongly requests that the applicant for the annexation and all persons associated with the annexed property indicate in all advertisements and sales information regarding this property that the property is located within the corporate limits of the Town of Carrboro.

Section 5. This ordinance shall become effective on September 30, 1998.

Section 6. The Town Clerk shall cause to be recorded in the Office of the Register of Deeds of Orange County and in the Office of the Secretary of State an accurate map of the annexed territory described in Sections 2 and 3 together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September, 1998:

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

Noes: None

Absent or Excused: Hank Anderson

# BOARD OF ALDERMEN

ITEM NO. E(1)

## AGENDA ITEM ABSTRACT

**MEETING DATE: September 8, 1998**

**SUBJECT: Request for a CUP Minor Modification for the Berryhill Subdivision**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES ___ NO <u>X</u></b>
<b>ATTACHMENTS:</b> Site Plan Letter from Town Engineer Letter from Town Attorney	<b>FOR INFORMATION CONTACT:</b> Keith Lankford--968-7712
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b> (X) Purpose (X) Analysis (X) Summary (X) Recommendation	

### **PURPOSE**

Jim Brandewie, on behalf of The Berryhill Group, LLC has applied for a minor modification to the conditional use permit (CUP) for the Berryhill Subdivision phases 3 and 4 to formalize the approval of 11 lots in phase 4. The CUP for this project did not include the approval of these 11 lots, but included a condition that required a minor modification for their formal approval. The Administration recommends that the Board approve the minor modification as presented.

### **SUMMARY**

The Board of Aldermen approved a CUP for phases 3 and 4 of the Berryhill Subdivision on (date).

Lots 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, and 53 were not approved as part of this CUP due to a discrepancy between the field surveyed flood plain and floodway information versus those shown on the official federal FEMA maps.

Jim Brandewie, on behalf of The Berryhill Group, LLC has applied for this minor modification to the conditional use permit (CUP).

This CUP included a condition (number 3) which indicated that these 11 lots "be deemed unapproved lots which are not a part of this conditional use permit application until such time FEMA shows that the current flood map for Carrboro is incorrect and that any official revisions will allow the lots in question to be rendered buildable".

This CUP also included a condition (number 4) that "plans showing the buildability of the referenced lots shall be submitted to the Board of Aldermen as a minor modification to the conditional use permit".

The layout of the lots, roads, utilities and drainage are unchanged from the original design of the CUP plans.

The Town Engineer, Henry Wells, has reviewed the attached plan and has indicated that it appears that the plans are accurate and reflect the new flood elevations and floodway widths.

The Administration recommends that the Board approve the minor modification and require the applicant to include notes on the final plat stating: (1) No filling activities will be allowed beyond the field surveyed 100 year flood plain based upon the flood study provided by the Town of Carrboro on 10 June 1998, and (2) Grading plans and building permits requested for lots 29 through 42 and lots 48 through 53 must be reviewed and approved by the Town Engineer and minimum finished floor elevations associated with these lots must be shown on the final plat.

### **RECOMMENDATION**

The Administration recommends that the Board approve the minor modification and require the applicant to include notes on the final plat stating: (1) No filling activities will be allowed beyond the field surveyed 100 year flood plain based upon the flood study provided by the Town of Carrboro on 10 June 1998, and (2) Grading plans and building permits requested for lots 29 through 42 and lots 48 through 53 must be reviewed and approved by the Town Engineer and minimum finished floor elevations associated with these lots must be shown on the final plat.



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915-A Jones Franklin Road Raleigh, N.C. 27606

919.859.2243

September 4, 1998

Mr. Roy Williford  
Planning and Economic Development Director  
Town of Carrboro  
301 West Main St.  
Carrboro, North Carolina 27510

Re: Berryhill Subdivision Phases III and IV, Floodway Issue

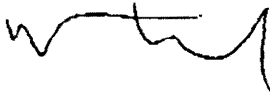
Dear Roy:

This letter is to inform you of the progress on the proposed floodway modification for Morgan Creek in the area of Berryhill Subdivision Phases III and IV. As we informed you in our letter of June 2, 1998, we had found additional floodplain encroachments in Weatherhill Pointe which may have impacted the flood elevations and floodway limits at Berryhill. We have now completed the study which includes the encroachment at Weatherhill and have found that it has caused 100-year flood elevations to increase and floodway widths change in the vicinity of Berryhill. The results of the study have been shared with Mr. Glen Phillips of Ballentine and Associates. Mr. Phillips has had the new elevations of the 100-year storm field located and has transferred this information to the Construction Plans for Berryhill. He then checked to ensure that houses could be built on each lot without any encroachment into the floodplain/floodway. These plans have been reviewed by SDG, and it appears that the plans are accurate and reflect the new flood elevations and floodway widths.

Please note that the new study has not been submitted to FEMA for review. We anticipate submittal within two to three weeks. Since FEMA has not reviewed and approved the proposed study, these new elevations are not official and are subject to change upon review by FEMA. SDG assumes no responsibility for changes in the flood elevations or floodway widths caused by discretionary judgement by FEMA.

Please contact me if you have any questions or desire any further information.

Sincerely,



W. Henry Wells, Jr., PE

**SDG** 



To: Keith

**THE BROUGH LAW FIRM**

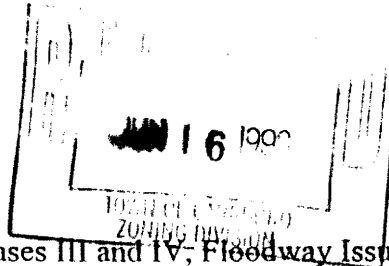
1829 E. FRANKLIN STREET • SUITE 800-A  
CHAPEL HILL, NORTH CAROLINA 27514  
TEL (919) 929-3905 • FAX (919) 942-5742

MICHAEL B. BROUGH  
WILLIAM C. MORGAN, JR.  
G. NICHOLAS HERMAN

broughlawfirm@mindspring.com  
wcmorgan@mindspring.com  
gnherman@mindspring.com

June 11, 1998

Mr. Wayne R. Hadler  
Beemer, Savery & Hadler  
Suite 800-B  
1829 E. Franklin Street  
Chapel Hill, North Carolina 27514



Re: Berryhill Subdivision Phases III and IV, Floodway Issue

Dear Wayne:

This letter confirms the results of the meeting in the Carrboro Town Hall on June 10, 1998 between you, Jim Brandewie, Glen Phillips, Roy Williford, Henry Wells and myself. We concluded that Glen will plot the elevations of the floodway provided by Henry on lots 31-43 and 47-53. Glen will then show a building envelope within which a single family home can feasibly be constructed on each of those lots, without putting any fill within the floodway.


With respect to lots 40-43 and 47-53, i.e. the 11 lots covered in condition number 3 of the conditional use permit for the Berryhill Subdivision, if it appears to Henry from the foregoing information that each of these lots is buildable, then he will so state to me in a memorandum, and I will then advise the board that condition number 3 has been satisfied. Then, under condition 4, the plat showing those lots to be buildable shall be submitted to the board of aldermen as a minor modification.

With respect to lots 31-42, if the information Glen provides as described above shows that these lots are all buildable, then the town can approve the final plat applicable to this portion of the subdivision (assuming all other requirements have been met). The final plat will need to show the location of the floodway as demonstrated by Henry's study, with a note that the new floodway line is proposed and subject to approval by FEMA.

Please let me know if I have omitted anything.

Sincerely,

THE BROUGH LAW FIRM

  
Michael B. Brough

MBB:las

cc: Mr. Henry Wells  
Mr. Roy Williford

**HP OfficeJet**  
**Personal Printer/Fax/Copier**

**Fax Log Report for**  
**Town of Carrboro**  
**919 968 7737**  
**Sep-08-98 01:16 PM**

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<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
99673063	OK	06	Sent	Sep-08	01:13P	00:02:29	002582030022

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# BOARD OF ALDERMEN

ITEM NO. E(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 8, 1998

**SUBJECT:** Report on Baldwin Park Recreation Activities

<b>DEPARTMENT:</b> Recreation and Parks	<b>PUBLIC HEARING:</b> YES ____ NO <u>XX</u>
<b>ATTACHMENTS:</b> (none)	<b>FOR INFORMATION CONTACT:</b> Richard E. Kinney 968-7703

**PURPOSE:** Before the Board of Aldermen's summer break, a report was scheduled on the request for recreation activities at Wilson Park. This item was postponed due to the number of items that needed to be resolved before the break. Subsequent conversations and meetings with residents in the Baldwin/Lloyd Street area over the summer culminate in information to be presented to the Board regarding the present status of this item.

**SUMMARY:** Alvater Burnette, President of the Lloyd Street Neighborhood Association approached the Board of Aldermen on the issue of providing recreation activities in Baldwin Park other issues such as additional lighting in the park, potential uses of the Habitat House at 105 Fowler St. and other issues affecting a number of town services. The Town Manager has asked the Recreation and Parks Department to specifically address the present status of the request for recreation activities, as he will provide a detailed report on all other matters and their present status for the Board.

At a meeting during July, Ms. Burnette further clarified the request for recreation activities to be of a casual nature versus formalized programming. The illegal drug activity within and surrounding the park virtually eliminated neighborhood use of the park for casual recreation activities. Family dinners, impromptu neighborhood group activities had always taken place and she felt that the neighborhood wished to see this type of activity return to the park.

**ANALYSIS:** On August 20, 1998, staff of the Recreation and Parks Department and Community Policing Officers met with the Lloyd Street Neighborhood Association to discuss recreation activities and other items with neighbors. At this meeting, it was the consensus of those present that casual use of the park had returned, primarily because drug activity had virtually ceased. The Recreation and Parks Director stated that now would be the time to facilitate casual recreation activities in the park to deter the problem from coming back. Also, the Town could facilitate (through Recreation and Police staff) increased casual use initiated by members of the community. They were asked if the formation of a committee consisting of community residents, with staff support, would benefit them. The residents declined to form a committee saying they preferred recreation activities to "come naturally."

Further agreement was made on both Police and Recreation staff being made available to assist in this recovery, since everyone agreed that casual recreation use versus formal programming of the park was the most beneficial, long-term solution to this need. The Association agreed for town staff to work through the Association President to facilitate the return of this type of activity.

**ACTION REQUESTED:** That the Board of Aldermen receive this report and direct the Town staff to work with the Lloyd Street Neighborhood Association to facilitate the return of casual recreation use to Baldwin Park.

# BOARD OF ALDERMEN

ITEM NO. E(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, September 8, 1998

**SUBJECT:** WORKSESSION: Businesses operating in the B-2 zone that are not in compliance with the Land Use Ordinance.

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: <b>Map showing the limits of the western portion of the B-2 zoning district</b>	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714 Roy Williford -- 968-7713
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Analysis (X) Summary (X) Recommendation	

### PURPOSE

To review the status of several businesses that are operating in the B-2, but are not in compliance with the provisions of the Land Use Ordinance and to provide guidance on further action.

### SUMMARY

In the spring of 1998, research conducted by staff in the course of responding to a citizen's request for a Land Use Ordinance text amendment revealed that several businesses operating in the B-2 zone were either out of compliance with Town permits or did not appear to have received permits. In each case, the business being conducted meets the definition of High-volume retail, a use classification that is not permitted in the B-2 zoning district. One of these businesses has been in operation for nearly ten years. This issue was briefly noted during the public hearing for the text amendment referenced above. In subsequent discussions, staff determined that it would be helpful for the Board to provide some guidance regarding further action that might be desirable and appropriate.

### ANALYSIS

The B-2 zoning district consists of two separate areas in the downtown. The first is located on the north and south sides of West Weaver Street from F & F Auto to West Main, the west side of West Main Street from East Poplar to the building that formerly housed Mann's Body Shop. The second is located south of Roberson and east of Carr and Maple Streets, and consists of the satellite parking lot for Carr Mill Mall. This report applies only to that portion of the B-2 zone located in the West Weaver/West Main Street area.

This portion of the B-2 zone contains 29 parcels of land. Twenty-seven commercial activities are known to be operating there. The table below lists the name, address, use classification, and permit information for each.

Business	Address	Use Classification	Permit
F & F Automotive	107 W. Weaver	9.400	
Redstone Realty	201 W. Weaver	3.110/5.300	CUP 1979 – multi-use
Offices	203 W. Weaver	3.110	CUP 1979 – multi-use
Residential Services	200 W. Weaver	3.110	CUP 1978 – multi-use
B & K Productions	205 W. Weaver	3.110	ZP 1995 - office
Cole-Frank Building Company	101 Center Street	3.120	CUP 1978 – office
Centura Bank	300 W. Weaver	3.230	CUP 1984 – bank/drive-in
Algonquin Books	307 W. Weaver	3.120	ZP 1990 – addition

Wellness Alliance at the Ray House	301 W. Weaver	3.110	ZP 1994 – office
Choice Peach Tattooing	304 W. Weaver	3.110	ZP 1988 – office
Neville Chiropractic Center	401 W. Weaver	3.110	SUP 1982 – office
Cappelli Hair Studio	401 A W. Weaver	3.110	SUP 1982 – office
Country Junction	404 W. Weaver	8.100/8.500	CUP 1984 – restaurant
Education Information Systems	403 W. Weaver	3.120	CUP 1977 – office
Dispute Settlement Center	302 W. Weaver	3.110	SUP 1984 – office
NC Crafts Gallery *	212 W. Main	3.120/2.120	ZP 1987 – lvretail/office
Curl Up and Dye	304 C. W. Weaver	3.110	ZP 1988 – office
Gibson Music *	304 W. Weaver	2.110	ZP 1986 – office
Select Forest Products	304 W. Weaver	3.120	ZP 1988 – office
Citgo	300 W. Main	9.300/2.110	
Carrboro Baptist Offices	102 Ashe	2.120, 3.110, 3.120, 5.310	ZP 1997 – lvretail/office/gallery
Carrboro Mini Mart	502 W. Main	9.300/2.100	CUP 1977
Lattis, Lassiter, and Hettich, LLC	500 W. Main	3.110	ZP 1991 – office
Balloons and Tunes *	208 W. Main	2.110	ZP 1987 – lvretail/office
Akai Hana Restaurant	206 W. Main		CUP 1978 Restaurant/patio
Mann's Auto Body	200 1/2 W. Main	Vacant ~ 12 months	No permit
Dancing Moon Bookshop *	210 W. Main	2.110	ZP 1987 – lvretail/office

Of the 27 commercial activities listed above, the four retail businesses marked with an asterisk (\*) appear to be out of compliance with the land use ordinance. A map showing the locations of these businesses is attached. Possible explanations for the presence of these uses include businesses opening without proper permit approval, a permit having been issued in accordance with the ordinance for a business that does not fit with the use definitions, or the issuance of a permit in error.

The continued operation of these businesses presents a problem for several reasons. First, their presence in the B-2 zone has raised questions concerning the appropriateness of the ordinance provisions limiting high-volume retail uses there. Second, the uses are not in compliance and are therefore subject to the enforcement provisions of the ordinance.

Staff has reviewed these issues and developed several alternatives for further action for consideration by the Board.

1. Initiate enforcement actions against these businesses. Leave the ordinance as it is.
2. Proceed with an “exclusive” ordinance amendment to allow high-volume retail uses, subject to certain exceptions. An illustration of this is the ordinance developed in response to Mr. Richard Phillips’ request, which proposed to limit uses by size and type.
3. Proceed with an “inclusive” ordinance amendment to allow high volume retail uses that meet certain criteria. The creation of a new category, which could include certain specialty, high-volume retail activities, has been discussed. Examples of possible, specialty, high-volume uses include gift or craft stores, specialty bookstores, or musical instrument sales.
4. Proceed with a rezoning of the SE corner of W. Main from B-2 to B-1 (g).

## RECOMMENDATION

The Administration recommends that the Board of Aldermen provide direction to staff for further action.

## Limits of the Western Portion of the B-2 Zoning District



\*\* Properties with businesses  
that do not comply with the  
Land Use Ordinance



Planning Department - August 25, 1998/pjm

# BOARD OF ALDERMEN

ITEM NO. E(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 8, 1998

**SUBJECT: Traffic Calming Devices – Pilot Project Results & Current Project Update**

<b>DEPARTMENT: PLANNING</b> <b>DEPARTMENT</b>	<b>PUBLIC HEARING: YES</b> ____ <b>NO</b> ____ <b>__X__</b>
<b>ATTACHMENTS:</b> Area map Street count & comparison chart Undulation Installation Chronology Traffic Calming Device locations along Cates Farm Road & Stratford Drive Chief Callahan' Recommendations TAB Recommendation	<b>FOR INFORMATION CONTACT:</b> Kenneth Withrow, 968-7714
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b> ( <b>x</b> ) Background ( <b>x</b> ) Action Requested ( <b>x</b> ) Analysis ( ) Alternatives ( <b>x</b> ) Recommendation	

### PURPOSE

The purpose of this item is for the Board of Aldermen to review the results of the pilot study for undulations along Pine Street; and adopt the traffic-calming device as a tool within Carrboro's Residential Traffic Management Plan. The Board will also receive a report on traffic calming devices installed along Cates Farm Road and Stratford Drive.

### SUMMARY

The Board at their December 16, 1996 meeting directed the staff to execute the installation of undulations along Pine Street. The installation of the undulations served," as a pilot project for the town; with the understanding that similar requests be accepted by the town, but held in abeyance until the results of a study identifying criteria both for installation and a mechanism for funding these devices have been developed".

The undulations were installed along Pine Street during the week of April 1, 1997. Traffic volume and speed counts were periodically conducted along Pine Street throughout the 1997-calendar year and the first quarter of the 1998 calendar year.

### ANALYSIS

Pine Street is an east-west residential street link between Hillsborough Road and North Greensboro Street. Pine Street is classified by the town as a "subcollector" road, and has a posted speed limit of 25 mph. Pine Street is 1600 feet in length; with a twenty-one foot pavement width and a forty-one foot right-of-way width. The road is also designed with swales, has limited shoulder widths along its sides, and services properties with either one or more point of access onto it. Attachment One is an area map showing the location of Pine Street.

Following the Board's approval of the undulation "pilot project" along Pine Street as of December 17, 1996, the town proceeded to install the devices during the week of April 1, 1998. Attachment Two is a chronology of events involving the initial installation of undulations. The staff also conducted traffic counts along Pine Street during the month of April, July, and November, 1997; as well as March, 1998. Traffic counts were simultaneously conducted along Oak Street during the same time period to examine any changes in travel behavior patterns as a result of the pilot project.

The traffic count chart shows that 85%ile speeds did decrease along Pine Street from 40 mph in March 1996 to 30.5 mph in March, 1998 as a result of the undulation installation. Traffic volumes along Pine Street also decreased during the same time period from 1306 ADTs to 926 ADTs. The 85%ile speeds along Oak Street have averaged 38 mph throughout the pilot project period. Traffic volumes along Oak Street have increased to 410 ADTs during the pilot project period as compared to 293 ADTs in March 1996. Traffic volumes along Oak Street, however, are still less than half of the traffic volumes that Pine Street still generates. Furthermore, past and existing volumes of traffic along Oak Street are well within the acceptable ranges of traffic volumes for "subcollector" roads (200 – 800 ADTs). Attachment Three is the table of volume and speed counts along Pine and Oak Streets in 1996, 1997, and 1998.

The town's Residential Traffic Management Plan criteria for the traffic calming device installation adequately addresses the circumstances under which these traffic calming devices may be added to streets.

The Transportation Advisory Board (TAB) at their August 6, 1998 meeting voted to recommend the Board's adoption of "undulations" as a traffic calming device within the Residential Traffic Management Plan. The TAB recommendation is attached.

#### **CURRENT PROJECTS**

The town installed undulations along Cates Farm Road, and temporary Fayetteville Chokers along Stratford Drive on the week of July 20, 1998. Attachment Four shows the location of the traffic calming devices. The town conducted volume and speed counts along Stratford Drive during the week of August 17; and conducted volume and speed counts along Cates Farm Road during the week of August 24. Additional counts will be conducted along Stratford Drive during the 90-day trial period to examine speeds and volumes using different traffic calming device configurations. The 90-day trial period will conclude as of October 24, 1998. Furthermore, the representatives of Stratford Drive will conduct a survey of the street's residents to gather their observations and determine their traffic calming device preference. The survey results will be forwarded to the town staff. Attachment Five is a memorandum from Chief Benjamin Callahan with recommendations for Stratford Drive based on his observations of travel behavior along the street.

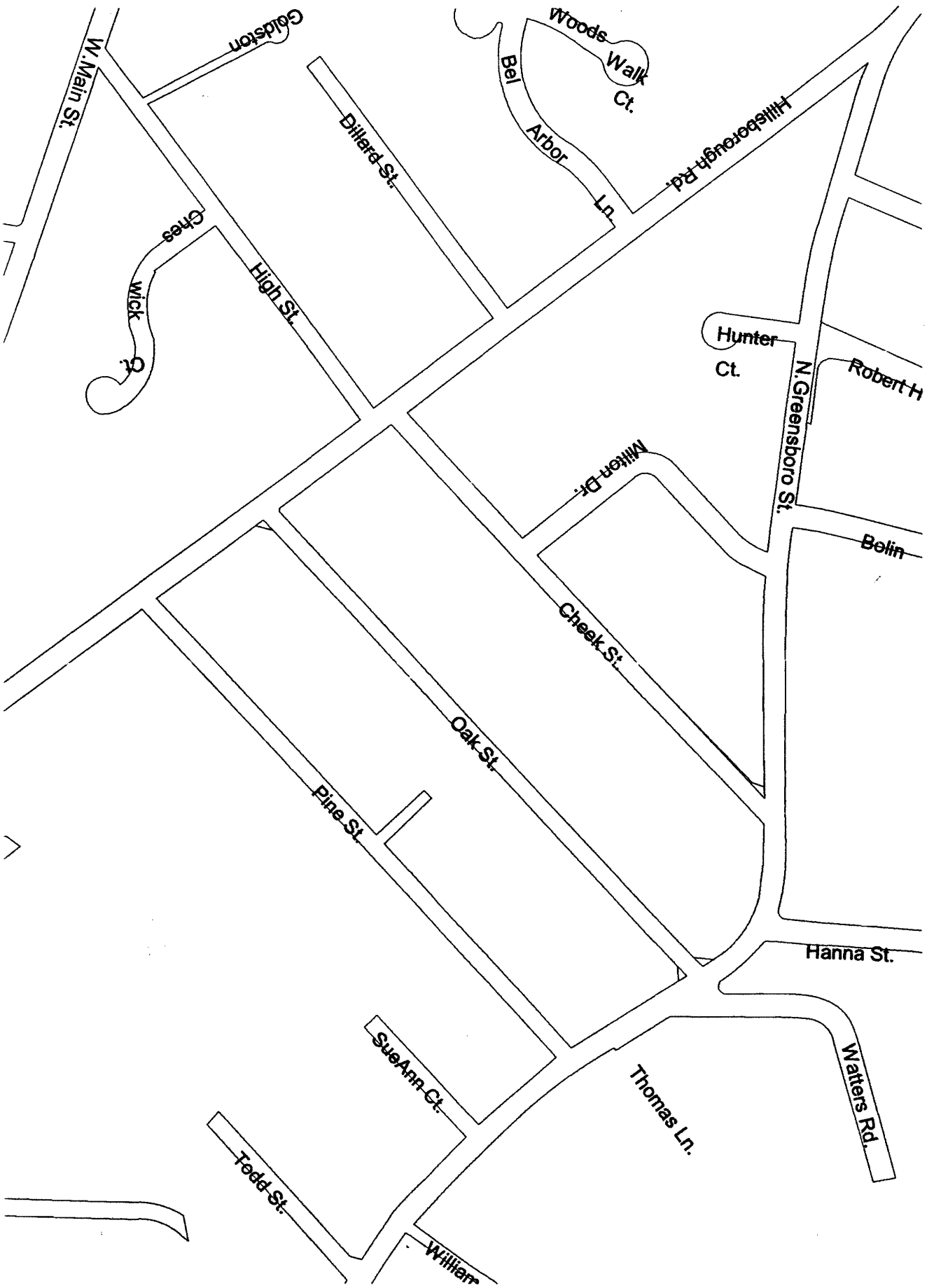
#### **RECOMMENDATION**

The administration recommends that the Board of Aldermen adopt the inclusion of undulations (a.k.a. speed humps) as a traffic-calming device within the Carrboro Residential Traffic Management Plan.



ATTACHMENT ONE

PINE STREET



## **ATTACHMENT TWO**

### **PINE STREET UNDULATION INSTALLATION**

#### **Chronology**

**Week of March 17, 1997**

Staff of both the planning department and public works department coordinated plans in preparation for the construction of the undulations along Pine Street.

**Week of March 24, 1997**

Planning Department staff informed the contact person for the Pine Street petition that preparations were being made to install the undulations as of the first week of April during the Easter Holiday break.

Staff of both the planning department and public works department coordinated efforts for publication. Board members received a memorandum which included the signatures of the petitioners, as well as a phone call. Citizens along Pine Street received notifications. Notification was also published in the local newspapers to provide general coverage to local citizens, as well as commuters who use Pine Street.

Planning staff also contacted persons who did not sign the petition requesting undulations. Discussions focused on the scope of the project, and the location(s) on the undulations.

A person expressed concern over the location of an undulation. Staff agreed to review the site again in conjunction with the town engineer. An effort would be made to relocate the undulation if possible.

Staff also called a citizen along Oak Street to provide notification and possible impacts that may occur with the undulation installments along Pine Street.

**March 31, 1997**

Staff and town engineer met with person concerned about the undulation location. The staff and town engineer investigated the site to

determine if relocation of the undulation was possible. A thorough review of the site took into account distance from intersection, driver sight distance, public safety, grade and slope, drainage, driveway access, and distance of effectiveness needed for the undulations. The review showed that the proposed location of the undulation could not be renegotiated. Staff informed the person of the analysis, and stated that other efforts would be made to alleviate possible fears.

Staff contacted the church that is attended by the person (Holy Trinity Lutheran Church) to ensure that transportation provisions for the person would continue. A church staffperson indicated that transportation provisions as needed by the church member will continue without problems. Staff informed the person of the conversation.

Staff received a call from a citizen who is looking forward to the undulation installment.

April 1, 1997

The undulations were not installed due to inclement weather.

April 2, 1997

The undulations were installed along Pine Street.

April 3, 1997

Staff conducted an investigation of the completed undulations. Comments received by the staff from the general public were favorable and positive. Staff communicated to the Police and Fire Departments that an evaluation should be conducted along Pine Street to examine emergency service effectiveness. Traffic counts will also be conducted along Pine Street throughout the weekend of April 4, 1997.

April 4, 1997

Staff of both the planning department and public works department reviewed the current location of traffic signs. Additional signage will be installed. If citizens feel that too many signs

are erected at the undulation sites, the signs located at the undulations will be removed, and reflectors will be installed on the existing poles.

## ATTACHMENT THREE

### PINE and OAK STREETS Traffic Counts and Comparisons

STREET NAME & COUNT DATE	85th %ile Speed	Traffic Volume
Pine Street between Hillsbro & Undulation One: 3/20-22/96	NA	NA
Pine Street between Hillsbro & Undulation One: 4/16-18/97	50 MPH	1083 ADTs
Pine Street between Hillsbro & Undulation One: 7/22-24/97	29 MPH	1033 ADTs
Pine Street between Hillsbro & Undulation One: 11/11-13/97	30 MPH	955 ADTs
Pine Street between Hillsbro & Undulation One: 3/11-13/98	31 MPH	903 ADTs
Pine Street (at the street's midpoint): 3/20-22/96	* 40 MPH	* 1306 ADTs
Pine Street between Undul One & Undul Two (midpoint of street): 4/16-18/97	30 MPH	1128 ADTs
Pine Street between Undul One & Undul Two (midpoint of street): 7/22-24/97	30 MPH	1056 ADTs
Pine Street between Undul One & Undul Two (midpoint of street): 11/11-13/97	30 MPH	902 ADTs
Pine Street between Undul One & Undul Two (midpoint of street): 3/11-13/98	30 MPH	947 ADTs
Pine Street between Undul Two & Nrth Greensboro: 3/20-22/96	NA	NA
Pine Street between Undul Two & Nrth Greensboro: 4/16-18/97	28 MPH	1109 ADTs
Pine Street between Undul Two & Nrth Greensboro: 7/22-24/97	29 MPH	1148 ADTs
Pine Street between Undul Two & Nrth Greensboro: 11/11-13/97	30 MPH	1022 ADTs
Pine Street between Undul Two & Nrth Greensboro: 3/11-13/98	31 MPH	928 ADTs
Oak Street between Hillsbro & Nrth Grnsbro (street midpoint): 3/20-22/96	37 MPH	293 ADTs
Oak Street between Hillsbro & Nrth Grnsbro (street midpoint): 4/16-18/97	39 MPH	424 ADTs
Oak Street between Hillsbro & Nrth Grnsbro (street midpoint): 7/22-24/97	39 MPH	403 ADTs
Oak Street between Hillsbro & Nrth Grnsbro (street midpoint): 11/11-13/97	37 MPH	417 ADTs
Oak Street between Hillsbro & Nrth Grnsbro (street midpoint): 3/24-26/98	37 MPH	396 ADTs

\* - Counts were taken prior to undulation installation.

# STRAFORD DR & CATES FARM RD PROPOSED TRAFFIC CALMING DEVICES

FAYETTEVILLE  
CHOKERS

UNDULATIONS

Text Road Names  
Property Lines

NC State Plane Coordinate System (feet)  
North American Datum 1983  
Scale = NTS



"THIS MAP IS NOT A CERTIFIED  
SURVEY AND NO RELIANCE MAY  
BE PLACED ON ITS ACCURACY"

This map was prepared with the aid of the Department of Transportation, State of North Carolina, and the Town of Fayetteville. The map is not a certified survey and no reliance may be placed on its accuracy. The map is for informational purposes only and does not constitute a contract. The map is the property of the Town of Fayetteville and may be used for informational purposes only. The map is not to be used for any other purpose without the written consent of the Town of Fayetteville. The map is not to be used for any other purpose without the written consent of the Town of Fayetteville.

FOR MORE INFORMATION  
CONTACT THE TOWN OF FAYETTEVILLE  
PLANNING DEPARTMENT  
201 W. 10TH ST.  
FAYETTEVILLE, NC 28404  
(919) 438-7744  
www.fayetteville-nc.org

## Attachment Five

TO: Kenneth Withrow

FROM: Ben Callahan

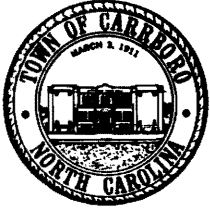
RE: Recommendations concerning traffic control on Stratford Dr. & Cates Farm Rd.

DATE: August 28, 1998

Kenneth,

After observing the traffic situation on Cates Farm Rd. & Stratford Dr. since the area was opened to thru traffic, I have several recommendations which you may want to consider.

- 1) Most of the problems on both Cates Farm & Stratford Dr. generally occur only during specific time periods which coincide with hours the local schools begin and end. While almost all of the "non-local" traffic on Stratford Dr. during this time period consists of high school students, most of these students reside in the neighborhoods adjacent to Wexford and Cates Farm. These streets do not appear to be used by persons "cutting through" to areas south of Hillsborough Rd. The problems should therefore respond to some "localized" enforcement and information dissemination.
- 2) Eliminate parking completely on the block of Cates Farm Rd. between Pathway Dr. and Hillsborough Rd.
- 3) The "Fayetteville chokers" on Stratford Dr. do not appear to be effective. If speeding vehicles continue to be a problem, I would strongly recommend the use of undulations like those on Cates Farm Rd. I would further recommend that two undulations be placed on Stratford Drive between Homestead Rd. and Tramore Dr. and that two more undulations be placed on Stratford between Tramore Dr. and Autumn Dr. The undulations should be placed at locations which would serve to best discourage traffic from speeding up after making turns onto Stratford or accelerating from the intersections after stopping.
- 4) There needs to be a strong effort made, either by the Town or by the local homeowners associations, to educate the residents concerning walking & biking in the streets. While bike lanes & sidewalks are provided on both Stratford and Cates Farm, most pedestrians walk in the actual traffic portion of the street (many outside of the bike lanes).
- 5) The current traffic "problems" which are occurring on Stratford Dr. and Cates Farm are not unlike those which have occurred on other streets which were opened to thru traffic after some period of "local" use only. Generally the "problems" subside after the initial "shock" dissipates and persons using streets (both vehicles and pedestrians) adapt to the situation.



# TOWN OF CARRBORO

NORTH CAROLINA

## TRANSPORTATION ADVISORY BOARD

### RECOMMENDATION

August 6, 1998

**Motion: That the TAB recommend to the Board of Aldermen that undulations be included in Carrboro's Residential Traffic Management Plan manual.**

**Moved: Ms. Ellen Perry**

**Second: Mr. Seth Elliott**

**VOTE: Ayes (Elliott, Marshall, Mochel, Perry ), Noes (None )**

*Neal G. Mochel*  
TAB Chair

8, 6 198  
DATE



# BOARD OF ALDERMEN

ITEM NO. E(5)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 8, 1998

**SUBJECT: "No Parking" Ordinance Amendment -- Cates Farm Road.**

<b>DEPARTMENT: PLANNING</b> <b>DEPARTMENT</b>	<b>PUBLIC HEARING: YES</b> ____ <b>NO</b> ____
<b>ATTACHMENTS:</b> Map of affected area Citizen letter Ordinance Amendment	<b>FOR INFORMATION CONTACT:</b> Kenneth Withrow, 968-7713
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b> (x) Summary ( ) Action Requested ( ) Analysis ( ) Alternatives ( ) Recommendation	

### PURPOSE

The purpose of this item is for the Board of Aldermen to amend the Town Code. The amendment to the Town Code would prohibit parking along Cates Farm Road between Hillsborough Road and Pathway Drive at any time.

### SUMMARY

The Board of Aldermen at its April 16, 1996 meeting adopted the "No Parking" ordinances for Pathway Drive and Cates Farm Road during the weekdays from the hours of 7:00 - 9:00 A.M., and from 2:00 - 6:30 P.M.

The parking during the school year along Cates Farm Road between Pathway Drive and Hillsborough Road has been a recurring problem for the Carrboro Police Department; particularly since the opening of the McDougle Elementary School. These parked cars are increasing the possibility that accidents may occur in that location.

The proposed ordinances are the administration's action to address community travel safety for pedestrians, bicyclists, and motor vehicles that are in the vicinity of the McDougle School complex.

### ANALYSIS

None

### RECOMMENDATION

The administration recommends that the Board of Aldermen adopt the "No Parking" ordinances for Cates Farm Road; however, the Board may request to set a public hearing on this item to receive public comment.

LOCATION MAP  
Cates Farm Rd &  
Hillsborough Rd



300 Autumn Drive  
Chapel Hill, NC 27516  
August 27, 1998

Mayor Michael Nelson  
A-22 White Oak Condominiums  
105 Fidelity St.  
Carrboro, NC 27510

Dear Mayor Nelson:

The purpose of this letter is to make you aware of safety hazards along Hillsborough Road and Cates Farm Road during school drop-off and pick-up hours. Since school started last week, I have witnessed three near accidents (2 between bikers and cars and 1 between a biker and a walker) and have seen the potential for many more. The number of cars and students has greatly increased in the area partly because of new students now living in the area and because the Cates Farm/ Stratford connector road is now open. The congestion has gotten so bad at this intersection that I don't even feel safe crossing Cates Farm Road with my children to get to the sidewalks. There are basically three issues that are jeopardizing safety.

- 1.) Parents are parking in the bike lanes on both sides of Cates Farm Road. Kenneth Winthrow of the Carrboro Planning Department explained to me that this policy was ok'ed by the Board of Alderman. (It was his suggestion that I write you this letter.) I believe that this policy needs to be revised in light of the number of cars parking there. Students traveling in the bike lanes weave in and out of parked cars or ride in the middle of Cates Farm Road. The parked cars also make it harder to see to cross the street on foot.
- 2.) Bicyclists are either riding their bike on the sidewalk between the crossing guard and Cates Farm Road or riding on Hillsborough Road. (Sometimes they start on the sidewalk and end up jumping the curb into the street to avoid walkers – and, yes, sometimes there is a car on Hillborough Road when this happens.) I have talked about this problem with Steve Scroggs at McDougle. He says that his office will try to address the problem by educating the bicyclists. I have also contacted the Police Chief's office about the issue.
- 3.) Motorists are driving too fast down Cates Farm Road, Autumn Drive, Wyndham, and Rockgarden. They are also running stop signs along these roads. Although this is a problem all day long, it is especially worrisome during school drop-off and pick-up hours. I would like to see more patrols in the area.

The above issues need to be addressed as soon as possible. I really am afraid that a child is going to get hurt. If you need further information, please don't hesitate to call me at 932-6549. Thank you for your attention to these matters.

Sincerely,

Alice Anderson

Cc: Steve Scroggs, Ben Callahan, Kenneth Winthrow

The following ordinance was introduced by Alderman \_\_\_\_\_ and duly seconded by Alderman \_\_\_\_\_.

**AN ORDINANCE AMENDING THE CARRBORO TOWN CODE  
DESIGNATING NO PARKING ON CATES FARM ROAD**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 6-19(b)(1) of the Carrboro Town Code is amended by adding the following street.

Both sides of Cates Farm Road from its intersection with Hillsborough Road to its intersection with Pathway Drive.

Section 2. Subsection 6-19(b)(5) of the Carrboro Town Code is amended by deleting the existing references to Cates Farm Road and substituting in lieu thereof the following:

Both sides of Cates Farm Road from its intersection with Pathway Drive to its terminus at the intersection with Autumn Drive.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following that was duly adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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

**AN ORDINANCE AMENDING THE CARRBORO TOWN CODE  
DESIGNATING NO PARKING ON CATES FARM ROAD**

Ordinance No. 2/98-99

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 6-19(b)(1) of the Carrboro Town Code is amended by adding the following street.

Both sides of Cates Farm Road from its intersection with Hillsborough Road to its intersection with Pathway Drive.

Section 2. Subsection 6-19(b)(5) of the Carrboro Town Code is amended by deleting the existing references to Cates Farm Road and substituting in lieu thereof the following:

Both sides of Cates Farm Road from its intersection with Pathway Drive to its terminus at the intersection with Autumn Drive.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8<sup>th</sup> day of September, 1998:

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

Noes: None

Absent or Excused: Hank Anderson

# BOARD OF ALDERMEN

ITEM NO. E(6)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 8, 1998

**SUBJECT:** Discussion of Extension of Development Moratorium/Northern Study Area

<b>DEPARTMENT:</b> Town Attorney	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> Memo from Town Attorney, Tentative Schedule of Next Steps	<b>FOR INFORMATION CONTACT:</b> Mike Brough, 929-3905

### PURPOSE

The purpose of this item is to decide whether action should be initiated to extend the current moratorium on the acceptance of special or conditional use permit applications for projects within the Northern Study Area.

### SUMMARY

The moratorium was originally established on November 11, 1997 for a six-month period. On May 12, 1998, the Board voted to extend it until September 30, 1998. As indicated in the attached "Tentative Schedule of Next Steps," prepared by the planning department, it is unlikely that ordinance amendments recommended by the Small Area Plan Drafting Committee could be adopted before mid-November. (See the attached memorandum from the town attorney for a further discussion of the Board's alternatives.)

### ACTION REQUESTED

Provide direction to the staff and the attorney as to whether an ordinance should be drafted to extend the moratorium, and if so, for what period.

Memorandum to: Carrboro Mayor and Board of Aldermen

From: Michael B. Brough *MBB*

Subject: Consideration of Small Area Plan Ordinance Amendments and Extension of Moratorium

Date: August 25, 1998

The Board has asked me to address the Board's alternatives in dealing with the apparent fact that the current moratorium will expire before ordinances implementing all of the recommendations of the Small Area Plan Drafting committee can be adopted

The moratorium was originally established on November 11, 1997 and was scheduled to expire on May 11, 1998 (a period of six months). On May 12, 1998, the Board adopted an ordinance extending the moratorium for an additional period of just over four months, or until September 30, 1998. One possibility is to adopt another ordinance extending the moratorium for some additional period. This alternative presents three issues. The first is whether Orange County would approve it. As the Board is aware, the Joint Planning Agreement has now been amended to provide for the adoption of moratoria, but under its terms the duration of a moratorium is limited initially to six months, with the possibility of one six month extension. The existing moratorium was adopted prior to this amendment, and so it is uncertain whether or how Orange County would respond to a request for a second extension. The second issue is whether an extension could be legally defended under constitutional principles. No one can answer this question with certainty. Obviously, the longer a moratorium is extended, the more legally questionable it becomes. The final issue is, if the moratorium is to be extended, how long should the extension period be. The duration of any extension will depend upon the estimated time necessary to adopt the ordinances designed to implement the Small Area Plan.

It is extremely difficult to forecast the time it will take to adopt the implementing ordinances. The amendments the Drafting Committee will be recommending, if adopted, will change the existing land use ordinance *significantly*, both procedurally and substantively. Based upon past experience, it is reasonable to expect that these changes will generate considerable interest and comment. Accordingly, it is probably overoptimistic to assume that these amendments could be processed in the minimum time necessary to satisfy statutory and ordinance requirements. Additionally, Orange County will have to approve these amendments (or more accurately, to decide not to disapprove them), and objections or questions raised by the County could slow the process down.

The obvious alternative to the extension of the moratorium is to let the moratorium expire on September 30<sup>th</sup>. The effect of this alternative is that the Town would once again start accepting applications for the types of projects covered by the moratorium (i.e. those requiring a special or conditional use permit). However, it should be kept in mind that, under the land use ordinance, the mere submission of a development application does not automatically entitle the applicant to have a project approved under the ordinance provisions in effect on the date of the application. In fact, the application must be acted upon by the permit issuing authority in accordance with the

ordinance provisions in effect on the date the decision is made, unless the board makes a finding pursuant to Section 15-128.1 that "the applicant has in good faith made substantial expenditures or incurred substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on [the ordinance] as it existed prior to the amendment and thereby would be unreasonably prejudiced if required to comply with [the ordinance] as so amended."

I would be happy to address this matter further with the Board.



# **NORTHERN STUDY AREA FACILITATED PLAN – IMPLEMENTATION**

## **TENTATIVE SCHEDULE OF NEXT STEPS**

*Please note: Final review by the Board of County Commissioners of the JPA resolutions needed to adopt the plan by reference has not yet been scheduled.*

### **Meeting Dates and Deadlines**

September 4, 1998 – The planning staff completes architectural standards.

September 7, 1998 – Mike Brough completes draft of ordinance changes.

September 8, 1998 – Ordinance is distributed to the Ordinance Drafting Committee (ODC) and Board of Aldermen.

September 9, 1998 – The ODC reviews architectural standards.

September 14 – 17, 1998 – The ODC meets to review ordinance.

September 18, 1998 – The planning staff compiles revisions, if any, and submits to the Board of Aldermen.

September 22, 1998 – The Board of Aldermen meets with ODC to review ordinance and any changes.

If the ordinance is deemed complete during this meeting, the Board of Aldermen may set a public hearing and refer the ordinance to the town's Planning Board and the county planning staff, requesting that the commissioners review the JPA resolutions and ordinance together.

### **Other Considerations**

It is the understanding of the town staff that the Board of County Commissioners prefers to review town issues during meetings in the southern area of the county. The Board is scheduled to meet at the Southern Human Services Center on October 20, 1998, and November 17, 1998.

Unless the town requests a reduction in the review period from the 30 day-minimum specified in the Joint Planning Agreement (an expedited review) to a minimum of ten days, the earliest date for commissioner review is November 17, 1998.

Planning Department – August 25, 1998/pjm

# BOARD OF ALDERMEN

ITEM NO. E(7)

## AGENDA ITEM ABSTRACT

MEETING DATE: September 8, 1998

**SUBJECT: Continuation of Discussion on Solid Waste Management Matters**

<b>DEPARTMENT:</b> Town Manager's Office	<b>PUBLIC HEARING:</b> YES ____ NO <input checked="" type="checkbox"/> ____
<b>ATTACHMENTS:</b> Board Action - September 1, 1998, Property Maps from Town of Chapel Hill	<b>FOR INFORMATION CONTACT:</b> Robert W. Morgan, Town Manager

### PURPOSE

To complete discussion of solid waste management issues initiated at the last meeting of the Board.

### ANALYSIS

The Board requested that the County Manager be contacted to receive clarification on the County Commissioners' position on retaining flexibility to purchase land around the existing landfill for solid waste management operations. Mr. Link indicated that the County Commissioners were not referring to any specific property during their discussion of this issue. The Commissioners' concern is to retain enough flexibility in order to be able to carry out their responsibilities in providing solid waste management services.

The Town has received from the Town of Chapel Hill maps of the property that the LOG has discussed purchasing for buffers or solid waste management operations. Parcel 7.18.27D was the Johnson tract that was purchased for the construction of the maintenance building. The Town of Chapel Hill has been trying for 2 years to complete negotiations on parcel 7.18..2C but one of the heirs cannot be located. This parcel was to be purchased as a buffer. Parcels 7.18..27, 7.18..27F and 7.18..27E have been discussed to be used for other solid waste operations but no other authorization for purchase has been given.

Also attached are the motions made by the Board during its September 1st. discussion on solid waste. Please review these motions to insure that the staff has accurately captured the Board's action.

### RECOMMENDATION

To complete the discussion of the County retaining flexibility to purchase additional property around the landfill for solid waste management operations.

# **CARRBORO BOARD OF ALDERMEN ACTION**

## **SEPTEMBER 1, 1998**

### **Community Benefits**

1. The Town of Carrboro's first choice for funding community benefits is that it be done with LOG funds *AND* that the Millhouse Road properties and the Nunn Property be included in the waterline extension project
2. The Town of Carrboro's second choice of funding community benefits is to use sales tax with the County financing the project allowing the towns a payback over three years *AND* that the Millhouse Road properties and the Nunn Property be included in the waterline extension project

### **Greene Tract**

1. Twenty (20) acres of the Greene Tract should be used to develop affordable housing projects through a Land Trust.
2. Sixty (60) acres of the Greene Tract should be ~~used~~ <sup>reserved for potential use</sup> by the County for solid waste activities, but not for a municipal solid waste landfill.
3. The remaining acreage of the Green Tract should be designated as Conservation Area and possibly used for passive recreation.
4. The activities taking place on the Green Tract shall be done in such a way as to provide the maximum possible protection for surrounding neighbors and the minimum impact to surrounding neighbors from any activities taking place on the property.
5. The respective jurisdictions will arrive at consensus upon the configuration of the tract.

### **Financing**

1. That the Board does not have enough information regarding the financing issues to take a position at this time; except, the board feels that the information provided at this time is unacceptably regressive and that any financing mechanism considered should be progressive.

By consensus the Board decided that the matter of "no restrictions on acquisition of additional acreage at the current landfill":

1. Be scheduled for discussion at next week's Board meeting.
2. That the Town Manager consult with Alderman Spalt to develop a map showing specific pieces of property.
3. That the Town Manager contact the County Manager to determine whether or not specific properties have been discussed and/or considered.

# ORANGE COUNTY LANDFILL AREA MAP

