

The regular meeting of the Board of Aldermen of the Town of Carrboro was convened in the Board Room of the Town Hall on February 8, 1983

Present and Presiding:

Mayor: Robert W. Drakeford  
 Aldermen: Steve Rose  
 Jim White  
 John Boone  
 Ernie Patterson  
 Hilliard Caldwell  
 Joyce Garrett  
 Town Manager: Richard Hunter  
 Town Clerk: Sarah C. Williamson  
 Town Attorney: Michael B. Brough

Approval of Minutes of Previous Meeting

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE MINUTES OF JANUARY 25, 1983 BE APPROVED WITH NECESSARY CORRECTIONS. VOTE: AFFIRMATIVE ALL.  
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Requests To Set Public Hearings

- (1) Subject: Land Use Ordinance Amendment to Allow Nursing Care Institutions, Etc. in R-15 Zone

Cecil Butler is applying for a land use ordinance amendment to change the Table of Permissible Uses (Section 15-146) to allow 7.20 uses in an R-15 (Residential) district with a conditional use permit. The 7.200 uses include "Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, and Child Care Institutions."

The administration recommends that the Board consider a text amendment to allow 7.200 uses in an R-15 district, and that the Board direct the Town Attorney, in consultation with the Planning Staff, to draft an appropriate ordinance; that the proposed text amendment be referred to the Planning Board; and that a public hearing for the Land Use Ordinance amendment be scheduled for February 22, 1983.

- (2) Subject: Conditional Use Permit Request/R.S. Lloyd

R.S. Lloyd is applying for a conditional use permit to allow construction of a shopping center and auxiliary buildings on his property off Highway 54 Bypass and Highway 54 West, adjoining the Tar Heel Manor property (Tax Map 114, Lot 30). The property is zoned B-4 (General Business) and contains 23.5 acres. The buildings are proposed to be completed in four phases for a total of 243,780 square feet of building space and at least 1,219 parking spaces.

The administration recommends that a public hearing be set for February 22, 1983.

- (3) Subject: Conditional Use Permit Amendment Request/Weatherhill

Charter Properties, Inc. is applying for an amendment to the conditional use permit for part of Phases 4-27 of the Weatherhill development to construct 170 apartment units in five phases. The property contains approximately 16 acres and is zoned R-3. The applicant has an option to buy this property.

The administration recommends that a public hearing be set for February 22, 1983.

- (4) Subject: Rezoning Request/Weatherhill

Ron Wells is applying for a land use ordinance amendment to rezone approximately 7 acres from R-SIR (Variable Density Residential) to R-3 (High Density Residential). The property sought to be rezoned is owned by Weatherhill Limited Partnership and includes Lots 22-40 of Westbrook Estates located on Westbrook Drive, Tanglewood Lane, Berryhill Drive, and Skylark Drive.

The administration recommends that the Board consider the request to change the Official Zoning Map by rezoning approximately 7 acres from R-SIR to R-3, and that the Board direct the Town Attorney, in consultation with the Planning Staff, to draft an appropriate ordinance; that the proposed rezoning be referred to the Planning Board; and that a public hearing for this amendment be scheduled for February 22, 1983.

- (5) Subject: Land Use Ordinance Amendment/Architecturally Integrated Subdivisions

Mr. Ron Wells has requested an amendment to the Land Use Ordinance that would allow the creation of architecturally integrated subdivisions consisting of more than just single-family dwellings. The administration concurs in this request and recommends that an appropriate amendment be drawn and a public hearing be set for February 22, 1983.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT PUBLIC HEARINGS BE SET ON THE ABOVE MATTERS FOR FEBRUARY 22, 1983. VOTE: AFFIRMATIVE ALL.

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Continuation of Public Hearing/C.D. Block Grant for Economic Development

At its meeting of January 25, 1983, the Board of Aldermen elected to continue this public hearing on economic development projects. The purpose of this public hearing was for the Board of Aldermen to hear citizens' views on the application to the N.C. Department of Natural Resources and Community Development for the purpose of promoting economic development.

Mr. Hunter informed the Board that they had copies of the complete proposal which will be submitted on February 15th. Mr. Hunter stated that the town had received a letter from the Cleora Sterling Corp. to the effect that it would request voluntary annexation if the town receives funding under the C.D. grant.

Amy Gerbe, with Orange Industries, questioned whether Orange Industries was included in the town's C.D. application. Ms. Gerbe stated that her organization was pursuing the idea of locating their business in the industrial park.

Ms. Gerbe was informed that Orange Industries was included in the town's application.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

The following resolution was introduced by Aldermen Jim White and duly seconded by Aldermen John Boone.

A RESOLUTION TO APPLY FOR FUNDS UNDER THE NORTH CAROLINA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND TO ADOPT A PROGRAM THEREFORE

WHEREAS, the Town of Carrboro is interested in making itself an excellent place for living and working for all its citizens and is anxious to work for the removal of all factors that make the accomplishment of such a goal difficult, including any causes and evidences of blight and deterioration; and

WHEREAS, the North Carolina Community Development Block Grant Program (authorized under the Housing and Community Development Act of 1974 as amended in 1981) offers incentives to local governments to develop viable communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low- and moderate-income; and

WHEREAS, the Town of Carrboro agrees that there is a need to continue a comprehensive and coordinated plan and program in order to meet its community development needs in the most effective manner;

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of Carrboro that the Community Development Application for Economic Development projects, and local option activities, and the contents therein (including all assurances) are hereby adopted; and, the Town of Carrboro will work diligently to implement the proposed program if these requested grant funds are awarded; and

BE IT FURTHER RESOLVED that Richard Hunter, Town Manager, is authorized to act as the official representative of the Town of Carrboro in connection with this application and to provide such additional information as may be required by the North Carolina Department of Natural Resources and Community Development.

Adopted this the 8th day of February, 1983, with the following vote:

- AYES: Rose, White, Boone, Caldwell, Patterson, Garrett
- NOES: NONE
- ABSENT OR EXCUSED: NONE

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Public Hearing/Watershed Land Use Regulations

The Board of Aldermen heard views of the public on proposed amendments to the Land Use Ordinance and amendments to the Official Zoning Map for the University Lake Watershed Area within the town's planning jurisdiction. The administration recommended submission of the proposed sedimentation and erosion control amendments to Orange County for adoption.

Roy Williford, Planning Director, presented a petition protesting the zoning district changes from residents of Area K; which will require a three-fourths vote of the Board in order to change the zoning of this area.

Will Denning, town planner, presented an overview of the proposed watershed rezoning.

Tony Hennessey, (Area K) stated that he was opposed to the rezoning as it would restrict future expansions of existing businesses in this area.

Milton Saffelle (Area K) stated that the proposed ordinance was discriminating and would present hardships to property owners in this area because it would prohibit these businesses from expansion.

Norris Ray (Areas D & E) requested relief from paving requirements in these areas because the roads would only serve this neighborhood.

Everett Billinsley, Executive Director of OWASA, presented a statement from OWASA on the Carrboro Water Quality Task Force Report recommendations, dated February 8, 1983. (Copy of statement in Town Clerk's file of this meeting). Mr. Billingsley stated that he was recommending the following:

1. Carrboro maintain the interim provision of a 5-acre minimum lot size for development in the watershed until the proposed water quality management strategy is implemented.
2. The recommendations of the Task Force Report, except for the industrial development zone, should be implemented collectively.
3. Good maintenance and operation for the storm water management and erosion control measures are required through on-going effective and responsive inspection and enforcement by the Town of Carrboro and Orange County.
4. With further extension of water and sewer into the watershed, even with adoption of these more stringent land use regulations, there will be increasing development and consequently increasing pressure for relaxing the protective measures that the proposed regulations, if adopted, put into place. A policy statement should be included against such relaxation.

David Rooks, representing Everette Blackwood (Area K) stated the proposed zoning would create hardships on the property owners and make their businesses non-conforming uses and devalues their property.

Cam Hill (Area K) for Cleora Sterling, stated that he was opposed to rezoning this area.

Linda Smeaton (Area A) requested that day care centers be permitted in the proposed B-5 zone since they were allowed in all other zones.

John McCormick, representing Jimmy Morgan (Area L), stated that Mr. Morgan's lot is one acre and would be considered a pre-existing nonconforming lot under the proposed zoning. Further, it would be unreasonable to apply the restrictions of Section 15-266 of the town's Land Use Ordinance to a one-acre lot which would allow only 11,000 square feet for building and parking surfaces. Mr. Morgan suggested that the Land Use Ordinance be amended to allow exemptions to this section for one-acre lots.

Steve Rose, representing Barbara McIntyre, (Area C) spoke in favor of the proposed rezoning.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THIS PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY STEVE ROSE THAT THIS MATTER BE REFERRED TO THE BOARD'S NEXT WORK SESSION. (NO VOTE TAKEN)

A SUBSTITUTE MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JIM WHITE THAT AREA K BE DROPPED FROM THE REZONING PROPOSAL. VOTE: AFFIRMATIVE 4, NEGATIVE 2 (ROSE, PATTERSON).

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE REMAINING AREAS BE REFERRED TO THE BOARD'S NEXT WORKSESSION. VOTE: AFFIRMATIVE ALL.

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#### Public Hearing/Rezoning Request/Inter-Tal Corp.

The purpose of this public hearing was to receive citizen input on the proposal to rezone 7 properties on West Poplar Avenue between Davie Road and Highway 54 Bypass and 2 properties on Westview Drive from R-10 (Residential) to R-7.5 (Residential, medium density).

The Inter/Tal Corporation applied to rezone 502 W. Poplar Avenue from R-7.5 to R-10. The administration recommended, and the Board of Aldermen concurred, that this request should be considered as a part of a major map amendment to rezone these properties from R-10 to R-7.5.

The Administration recommended approval of these rezonings from R-10 to R-7.5

Roy Williford, Planning Director, stated that the proposed rezoning is compatible with the town's comprehensive planning policies because:

1. The properties are serviced by roads having the capacity for additional traffic.
2. The properties are serviced by public transportation.
3. Town services can be provided efficiently to multi-family developments close to the Town center.
4. Additional medium-density residential development is consistent with the goal of providing a variety of housing types.

Properties drain into Tom's Creek to the west. Therefore, careful attention should be given to erosion control measures whenever the Town receives a site plan for these properties.

Mr. Williford stated that the administration was recommending that the proposed rezoning be approved.

Harold McFarling, residing on West Poplar Avenue, requested that his property be excluded from the proposed rezoning.

Devan Clark, residing at 105 Kay Street, asked that these properties remain zoned as they are or be zoned as low in density as possible.

Eleanor Kinnaird, residing on West Poplar Avenue, spoke against the rezoning.

Lendo Whitaker, residing at 102 Kay Street, spoke against the rezoning.

John McAdams, Inter-Tal's consulting engineer, spoke in favor of the proposed rezoning.

Doug Sharer, residing at 501 West Poplar Avenue, spoke in opposition to spot zoning.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT THIS PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THIS REZONING REQUEST BE DENIED. VOTE: AFFIRMATIVE ALL.

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Amendment to Budget Ordinance for Capital Projects

The purpose of this amendment was to transfer \$14,056 in appropriations from contractual services in the bikeway account to a contingency appropriation in the Community Park project.

The Law & Finance Committee at its meeting of February 1, 1983 recommended approval of this budget amendment.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY '82-'83 BUDGET ORDINANCE", BE ADOPTED TRANSFERRING \$14,056 FROM THE CAPITAL PROJECT CONTRACTUAL SERVICES ACCOUNT TO THE CAPITAL PROJECT CONTINGENCY FUND. VOTE: AFFIRMATIVE ALL.

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Purchase of Air Conditioning Unit for Board Room

The administration requested authorization to replace the air conditioning unit in the town hall board room. It is not considered feasible to repair the existing unit. The administration requested that \$1,500 be transferred from the General Fund Contingency appropriation to the Division of Central Services to be used to purchase a new air conditioning unit.

The Law & Finance Committee at its meeting of February 1, 1983 recommended approval of the administration's request.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY '82-'83 BUDGET ORDINANCE", BE ADOPTED TRANSFERRING \$1,500 FROM THE CONTINGENCY FUND TO THE PUBLIC WORKS CENTRAL SERVICES ACCOUNT. VOTE: AFFIRMATIVE ALL.

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Magistrate's Court in Town Hall

The Law & Finance Committee at its meeting of February 1, 1983 recommended that the Magistrate's Court be allowed to continue using the town hall board room on Monday mornings for an indefinite period of time, subject to a 90-day cancellation notice by either the town or the Magistrate's Court. This authorization is contingent upon the Magistrate's Court paying the town a \$5.00 facility fee for each case heard.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT THE LAW & FINANCE COMMITTEE'S RECOMMENDATION BE ACCEPTED. VOTE: AFFIRMATIVE ALL.

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Request for Re-Approval Final Plat for Wildwood Spring Subdivision

David Kale, President of Wildwood Springs Development Corporation, requested final plat approval for this subdivision. A conditional use permit authorizing this development was approved by the Board of Aldermen on May 11, 1982. The property is located on Highway 54 Bypass between Carolina Apartments and Royal Park Apartments. This final plat does not substantially differ from the plans approved as part of the conditional use permit. Final Plat approval was given by the Board of Aldermen on December 14, 1982 for this same plat, but because the plat was not recorded within the required 30-day period, re-approval was necessary.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THIS FINAL PLAT BE RE-APPROVED. VOTE: AFFIRMATIVE ALL.

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Final Plat Approval/Milton Drive Subdivision

Milton Cheek requested final plat approval for subdivision of his property off North Greensboro Street and Cheek Streets. The property contain 8.89 acres and is zoned R-10 (Residential). A conditional use permit was issued for preliminary plat approval on April 13, 1982. The property would be subdivided into 8 lots to be served by a public street.

Roy Williford, Planning Director, stated that the administration was recommending approval of this subdivision with the following condition: That a performance bond or other surety be posted to protect against any defects in the new street for a period of one year.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY STEVE ROSE THAT THE FINAL PLAT BE APPROVED SUBJECT TO MR. CHEEK POSTING THE NECESSARY PERFORMANCE BOND. VOTE: AFFIRMATIVE ALL.

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Donation Opportunities Booklet

The Board of Aldermen at its worksession on February 2, 1983 reviewed the administration proposed "Gift Catalog". The administration has incorporated the changes suggested by the Board and would like to request permission to print and distribute the booklet to the public.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JIM WHITE THAT THE ADMINISTRATION BE AUTHORIZED TO PUBLISH THE DONATION OPPORTUNITIES BOOKLET. VOTE: AFFIRMATIVE ALL.

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Lease Agreement/Driver's License Division

Mr. Brough presented a proposed lease agreement between the town and Orange for use of space in the town hall for the drivers' license division. Mr. Brough stated that this lease will be presented to the Orange County Commissioners on Monday, February 14, 1983 for its approval.

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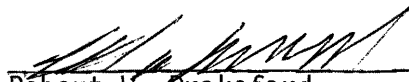
Watershed Land Use Regulations

MOTION WAS MADE BY JIM WHITE AND SECONDED BY STEVE ROSE THAT THE BOARD RECONSIDER RE-ZONING AREA K. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT AREA K OF THE REZONING PROPOSAL BE SENT TO THE BOARD'S NEXT WORKSESSION FOR REVIEW AND CONSIDERATION. VOTE: AFFIRMATIVE 4, NEGATIVE 2 (BOONE, GARRETT).

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There being no further business, the meeting was adjourned.

  
Robert W. Drakeford  
Mayor

  
Sarah C. Williamson  
Town Clerk