

A regular scheduled meeting of the Board of Aldermen of the Town of Carrboro was convened in the Board Room of the Town Hall, the regular place of meeting on March 22, 1983.

PRESENT AND PRESIDING:

- Mayor: Robert W. Drakeford (arrived at 7:55 P.M.)
- Aldermen: Steve Rose
- Jim White
- John Boone
- Ernie Patterson
- Hilliard Caldwell
- Joyce Garrett
- Town Manager: Richard Hunter
- Town Attorney: Michael B. Brough
- Town Clerk: Sarah C. Williamson

Approval of Minutes of Previous Meeting

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JIM WHITE THAT THE MINUTES OF MARCH 8, 1983 BE APPROVED WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL.

Sewer Problem/West Main Street

James Keldon, residing at J-3 Berkshire Manor Apartments requested the town's assistance in requiring OWASA to replace or repair the sewer line along West Main Street. Mr. Keldon stated that raw sewer backs up into toilets at Berkshire Manor and water boils up out of manholes on West Main Street when it rains.

The Board requested that the Town Attorney look into how the town could legally require OWASA to remedy this situation.

Requests to Set Public Hearings

Community Development Application

The planning staff is preparing a program of activities in the Community Revitalization category for a Community Development Block Grant application. The N.C. Department of Natural Resources and Community Development requires that two hearings be held by the Board of Aldermen prior to the submission of an application for CD funds. The State has set a deadline of May 2, 1983 for CD applications.

The administration requests that a public hearing be set for April 12, 1983 to hear the views of citizens at the initial stage of the planning process. The administration also requests that the second required hearing on the CD application be set for April 26, 1983. This second hearing is to hear the views of the public on the proposed CD application prior to submission.

Carrboro July 4th Celebration

The Carrboro Recreation and Parks Department has requested temporary closing of Laurel Avenue for Monday July 4, 1983 from 11:00 A.M. to 10:00 P.M. to accommodate the town's annual Fourth of July Celebration.

The administration recommends that a public hearing be set for April 12, 1983.

Revenue Sharing

Don Casper, Finance Director, requested the Board to set a public hearing to receive citizen input on the use of General Revenue Sharing funds for FY 1983-84.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY STEVE ROSE THAT THE PUBLIC HEARINGS, AS REQUESTED, BE SET. VOTE: AFFIRMATIVE ALL.

Public Hearing/Conditional Use Permit Request/Wells Management Groups/Patio Homes

Wells Management Group, Inc. has applied for a conditional use permit which will allow an architecturally integrated subdivision to be located in the Weatherhill development on Westbrook Drive and Tanglewood Lane containing 13 single-family units and 12 duplex units.

Roy Williford, Planning Director, was sworn in by the Town Clerk.

Mr. Williford stated that the administration was recommending approval of the application with the condition that a 50-foot greenway easement along Tom's Creek be dedicated for public use. Mr. Williford stated that the Transportation Advisory Board was recommending approval of the application.

Robin Dorf, representing Wells Management Group, presented the site plan of the project and requested its approval.

Diana Woolley, representing the Planning Board, stated that the Planning Board was recommending approval of the application with the following conditions: (1) That the illumination of private drives be approved by the Chief of Police; and (2) that fire lanes be approved by the Fire Chief; (3) That all single-family units which may be expanded into duplexes shall have covenants providing for future parking requirements as required by the ordinance and will be enforced upon issuance of a building permit; (4) Clearly show private drives from common gravel and show access to each lot from private drives; and (5) that the extension of Berryhill Drive should be paved 34' face-to-face in width. In addition, the Planning Board requested that the Town Engineer study the access to the adjoining property. If Berryhill Drive is determined to provide feasible access to the adjoining property, then the recommendation for a cul-de-sac should be withdrawn.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT THE 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, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) THE APPLICANT SHALL COMPLETE THE DEVELOPMENT STRICTLY IN ACCORDANCE WITH THE PLANS SUBMITTED TO AND APPROVED BY THIS BOARD, A COPY OF WHICH IS FILED IN THE CARRBORO TOWN HALL.
 - 2) IF ANY OF THE CONDITIONS AFFIXED HERETO OR ANY PART THEREOF SHALL BE HELD INVALID OR VOID, THEN THIS PERMIT SHALL BE VOID AND OF NO EFFECT.
 - 3) THAT ALL SINGLE-FAMILY UNITS WHICH MAY BE EXPANDED INTO DUPLEXES SHALL HAVE COVENANTS PROVIDING FOR FUTURE PARKING REQUIREMENTS AS SHOWN AS EXPANDABLE PARKING ON THE PLAN.
- VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JIM WHITE AND SECONDED BY ERNIE PATTERSON THAT THE CONDITIONAL USE PERMIT BE GRANTED SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE ALL.

* * * * *

Public Hearing/Conditional Use Permit Request/Wells Management Group/Cluster Homes

Wells Management Group, Inc. is requesting a conditional use permit for an architecturally integrated subdivision off Beechwood Drive and Cedar Court in the Weatherhill development. Proposed are 41 townhouse units, including 12 two-family units to house a total of 53 families. The development would be completed in phases and would be an extension of Phase I of Weatherhill on Walnut Court.

Roy Williford, Planning Director, was sworn in by the Town Clerk.

Mr. Williford stated that the application is complete and complies with all Land Use Ordinance requirements. Mr. Williford stated that the administration recommended that the application be approved with the following condition: That a 50' greenway easement along Tom's Creek be dedicated for public use.

Mr. Williford stated that the Transportation Advisory Board was recommending that the application be approved with the following condition: That the internal sidewalk be extended to the location of the entrance sign and that a crosswalk be painted on the private drive to connect the sidewalk on Beechwood Drive with the extension of the internal sidewalk. This sidewalk could be completed as late as the completion of the last units in the development.

Robin Dorf, representing Wells Management Group, was sworn in by the Town Clerk.

Mr. Dorf presented the site plan and requested the Board's approval.

Diana Woolley, representing the Planning Board, was sworn in by the Town Clerk.

Ms. Woolley stated that the Planning Board was recommending approval of the application with the following conditions: (1) That at least 94 parking spaces be provided as required by the Land Use Ordinance; (2) That each unit be equipped with front and rear entrance lights; and (3) That a bus shelter be provided when public bus service becomes available to the development.

Ron Wells, with Wells Management Group, was sworn in by the Town Clerk.

Mr. Wells stated that Wells Management Group was requesting that Beechwood Drive be closed. Mr. Wells stated that they were specifically talking about the area where Beechwood Drive ends as a public street to the property line. Mr. Wells stated that this area is currently vacant land. The adjoining property owners are Weatherhill Homeowners Association and Wells Management Group.

Michael Brough stated that this request to close a street would have to be advertised and considered at a separate public hearing.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JOHN BOONE THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE APPLICANT SHALL COMPLETE THE DEVELOPMENT STRICTLY IN ACCORDANCE WITH THE PLANS SUBMITTED TO AND APPROVED BY THIS BOARD, A COPY OF WHICH IS FILED IN THE CARRBORO TOWN HALL.
- (2) IF ANY OF THE CONDITIONS AFFIXED HERETO OR ANY PART THEREOF SHALL BE HELD INVALID OR VOID, THEN THIS PERMIT SHALL BE VOID AND OF NO EFFECT.
- (3) THAT A 50-FOOT MINIMUM PERPETUAL OPEN SPACE BE DESIGNATED ON THIS PROPERTY ALONG TOM'S CREEK, WITH A SUBSTANTIALLY EQUAL AMOUNT OF SPACE ON BOTH SIDES OF THE CREEK.
- (4) THAT THE INTERNAL SIDEWALK BE EXTENDED TO THE LOCATION OF THE ENTRANCE SIGN AND THAT A CROSSWALK BE PAINTED ON THE PRIVATE DRIVE TO CONNECT THE SIDEWALK ON BEECHWOOD DRIVE WITH THE EXTENSION OF THE INTERNAL SIDEWALK. THIS SIDEWALK COULD BE COMPLETED AS LATE AS THE COMPLETION OF THE LAST UNITS IN THE DEVELOPMENT.
- (5) THAT EACH UNIT BE EQUIPPED WITH REAR ENTRANCE LIGHTS IN ADDITION TO THE FRONT ENTRANCE LIGHTS.

VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY ERNIE PATTERSON THAT THE APPLICATION BE GRANTED SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE ALL.

Public Hearing/Land Use Ordinance Amendment to Allow Nursing Care and Similar Institutions in R-3, R-7.5, R-SIR and R-SIR-2 Zones

The Board of Aldermen heard the views of the public on an ordinance amending the Land Use Ordinance to allow nursing care and similar institutions in R-3, R-7.5, R-SIR, and R-SIR-2 zones, subject to certain density limitations. This amendment would change the Table of Permissible Uses to allow 7.200 (Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, Child Care Institutions) uses in the medium to high density residential districts.

The administration recommended that the Board adopt the ordinance entitled, "An Ordinance Amending the Land Use Ordinance to allow Nursing Care and Similar Institutions in R-3, R-7.5, R-SIR, and R-SIR-2 Zones subject to certain density limitations".

Roy Williford, Planning Director, stated that the administration was recommending that nursing care and similar institutions be allowed in R-3, R-7.5, R-SIR, and R-SIR-2 zones subject to certain density limitations. Specifically the administration recommended that a density limitation of 800 square feet per multi-family dwelling be required for these institutions. Mr. Williford stated that the administration also recommended that these uses be deleted from the "W" (Watershed) zoning districts.

Diana Woolley, representing the Planning Board, recommended that the Board of Aldermen consider the following:

- 1) An ordinance amending the Land Use Ordinance to allow Nursing Care and similar institutions in all Residential zones subject to certain density limitations.
- 2) That a new definition be added to the Land Use Ordinance for "Domiciliary Care Facility" and that the staff consult with the State on the definition.
- 3) That 7.200 uses be amended to include Domiciliary Care Facilities in the Table of Permissible Uses.
- 4) That 7.200 Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, Child Care or Infirm Institutions, and Domiciliary Care Facilities uses be permitted in all Residential districts with a Conditional Use Permit; and
- 5) That the new Section 15-175.1 Density Restrictions on 7.200 Uses should be adopted to relate the scale of the 7.200 uses to the surrounding Residential areas. The Planning Board feels that 7.200 uses can be permitted in all Residential districts with this density restriction.

8 2
Cecil Butler spoke in favor of the proposed ordinance and requested its adoption.

Frank Baggett spoke in opposition to the proposed ordinance.

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

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOYCE GARRETT THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW NURSING CARE AND SIMILAR INSTITUTIONS IN THE R-3 ZONE SUBJECT TO CERTAIN DENSITY LIMITATIONS", BE ADOPTED AND THAT THE DENSITY LIMITATION FACTOR BE 600 SQUARE FEET RATHER THAN 800 SQUARE FEET AS PROPOSED. VOTE: AFFIRMATIVE ALL.

The Board requested the Town Attorney to work out the definition of domiciliary care facility with the Planning Board.

* * * * *

An Ordinance Amending the Alert Cable T.V. Franchise Ordinance

The administration recommended adoption of the second-reading of an ordinance amending the Alert Cable T.V. franchise ordinance to make clear that the town is entitled to 3% of the annual gross revenues of the entire cable television system with the town, including those programs, the signals for which are received by Alert over satellite, and to change the number of franchise payments from two to one per year and change the payment date to March 15th. This ordinance was adopted on first reading by the Board of Aldermen on March 8, 1983.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FRANCHISE GRANTED TO ALERT CABLE T.V. OF NORTH CAROLINA, INC. BE ADOPTED ON SECOND READING. VOTE: AFFIRMATIVE ALL.

* * * * *

Final Plat Approval - Bolin Forest, Phase II, Cluster "C"

Bolin Forest Investment Group is applying for final plat approval for their architecturally integrated subdivision located at Bolin Creek Drive and Forest Court. A conditional use permit for this development was issued by the Board of Aldermen on July 28, 1981. Final plat approval for Phase I was given on September 28, 1982.

The administration recommended approval of this final plat with the following conditions: (1) That a performance bond or other surety be posted to cover the cost of completing paving, sidewalk construction, and landscaping in accordance with Section 15-60 of the Land Use Ordinance; and (2) That the performance bond or other surety posted guarantee protection against defects in accordance with Section 15-82 of the Land Use Ordinance.

MOTION WAS MADE BY ERNIE PATTERSON AND SECONDED BY JOHN BOONE THAT FINAL APPROVAL BY GIVEN TO BOLIN FOREST PHASE II, CLUSTER "C", SUBJECT TO THE CONDITIONS RECOMMENDED BY THE ADMINISTRATION. VOTE: AFFIRMATIVE ALL.

* * * * *

Resolution Authorizing Participation in a Water Line Project

The Division of Health Services of the North Carolina Department of Human Resources has awarded to the Town of Carrboro a grant in the amount of \$9,327 that may be used to improve and extend the public water system within the town's planning jurisdiction.

The town wishes to participate in a current development project which is laying a 12" water line along Jones Ferry Road. A resolution to this effect is necessary in order to proceed with the request for the available funds.

Caroline Stuck, Administrative Assistant, stated that the town had applied for and received this grant in 1980 to help defray costs of running piped water to the Community Park, but since it was found that a well system could provide water to the park, this grant could not be used. After contacting OWASA, the town learned that the developers of Willow Creek Shopping on Jones Ferry Road were installing a waterline much larger than was needed for their development and this line could serve other developments in this area, it was decided to amend the grant to apply the available funds to the construction of this line.

The following resolution was introduced by Alderman Ernie Patterson and duly seconded by Alderman John Boone.

A RESOLUTION AUTHORIZING THE TOWN TO PARTICIPATE IN A PROJECT TO EXTEND A PUBLIC WATER LINE DOWN JONES FERRY ROAD TO THE INTERSECTION WITH HIGHWAY 54 BYPASS

WHEREAS, the Division of Health Services of the North Carolina Department of Human Resources has awarded to the Town of Carrboro a grant in the amount of \$9,327 that may be used to improve the extend the public water system within the town's planning jurisdiction; and

WHEREAS, the town wishes to promote the extension of water service to areas that are about to experience growth and development; and

WHEREAS, in connection with the construction of the Willow Creek Shopping project the firm of Hakan and Corley, developers of this project, has undertaken to extend a 12" water line down Jones Ferry Road to the vicinity of its intersection with Highway 54 Bypass and has obtained a low bid from RGK, Inc. to perform this construction; and

WHEREAS, the capacity of this water line far exceeds the needs of the Willow Creek Shopping Center and therefore this line extension will make water available to serve future development in this area;

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

Section 1. The town agrees to participate with the firm of Hakan and Corley in the cost of extending the public water system down Jones Ferry Road by contributing from available grant monies, a 25% share of the costs of the construction of this water line, or \$9,327, whichever is less.

Section 2. When fully constructed, the water line will be connected to the existing public system and will be turned over to and maintained by the Orange Water and Sewer Authority.

Section 3. The administration is directed to enter into any necessary agreements to achieve the objectives of this resolution.

Section 4. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of March, 1983:

AYES: Steve Rose, Jim White, John Boone, Ernie Patterson, Hilliard Caldwell, J. Garrett
NOES: NONE
ABSENT OR EXCUSED: NONE

State-Wide ASA Softball Tournament Sponsorship

The town has the opportunity to host two state-wide N.C. Amateur Softball Association Tournaments. Beyond additional recreation activity for citizens, the possibility of additional revenues for local merchants and the recreation department is very feasible. The Board of Aldermen at its worksession on March 16, 1983 recommended that this activity be supported and that the Town Manager be allowed to enter into an agreement with the N.C. Amateur Softball Association to host these tournaments in August, 1983.

MOTION WAS MADE BY STEVE ROSE AND SECONDED BY JOHN BOONE THAT THE TOWN MANAGER BE ALLOWED TO ENTER INTO THE NECESSARY AGREEMENT WITH THE N.C. AMATEUR SOFTBALL ASSOCIATION TO HOST THESE TOURNAMENTS IN AUGUST, 1983. VOTE: AFFIRMATIVE ALL.

Appointment to Parks and Recreation Commission

The Parks and Recreation Commission recommended the appointment of Kay Moore to the out-of-town vacancy on the Parks and Recreation Commission. The Board of Aldermen at its worksession of March 16, 1983 concurred with this recommendation.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY STEVE ROSE THAT KAY MOORE BE APPOINTED TO THE PARKS AND RECREATION COMMISSION. VOTE: AFFIRMATIVE ALL.

Management Study

Mayor Drakeford stated that in response to a request from the Board, he had obtained a copy of a management study performed by a firm associated with the N.C. League of Municipalities.

Mayor Drakeford stated that the study was available for any Alderman wishing to look it over.

Mayor Drakeford also stated that this firm would perform a management study for the town for \$8,500.

Revenue Projections and Budget Schedule for 1983-84

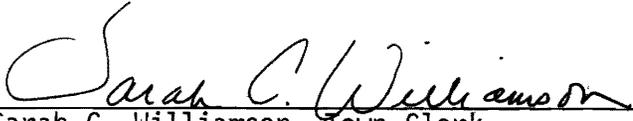
Don Casper, Finance Director, presented the proposed revenue projections for FY '83-'84 (\$1,924,776). Mr. Casper also stated that the revenue projections for FY '82-'83 appear to be running \$50,507 less than what was projected. Mr. Casper stated that the various department heads had made provisions for this shortfall if in fact his projections for the remainder of this year prove correct.

Mr. Casper also presented the proposed budget calendar for the 1983-84 Budget.

There being no further business, the meeting was adjourned.



Robert W. Drakeford
Mayor



Sarah C. Williamson, Town Clerk