A regular meeting of the Carrboro Board of Aldermen was held on September 11, 1984 in the Board Room, the regular place of meeting, at 7:30 p.m.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Joyce Garrett
	Doug Anderson
	Hilliard Caldwell
	John Boone
	Jim White
	Zona Norwood
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

# APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE MINUTES OF JULY 10, JULY 11, JULY 18, JULY 24, AUGUST 2, AND AUGUST 15, 1984 BE APPROVED. VOTE: AFFIRMATIVE ALL

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### RESOLUTION COMMENDING WILLEM KOOLE FOR HIS SERVICE ON THE CARRBORO PLANNING BOARD

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

A RESOLUTION COMMENDING WILLEM KOOLE FOR HIS SERVICE ON THE CARRBORO PLANNING BOARD (Resolution No. 10/84-85)

WHEREAS, Willem Koole has served as a member of the Carrboro Planning Board with diligence and dedication from January 8, 1981 to July 5, 1984 and served as chairman from February 16, 1984 to July 5, 1984; and

WHEREAS, Willem Koole has made a significant contribution to the work of the Planning Board, particularly in the area of downtown revitalization, and has served as the chairman of the Downtown Revitalization Task Force from its inception and continues to function in that capacity;

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

Section 1. The Board expresses its sincere gratitude and appreciation to Willem Koole for his contribution to the Carrboro Planning Board as well as his continued work on the Downtown Revitalization Task Force.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy shall be delivered to Willem Koole.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 11th day of September, 1984:

Ayes: Garrett, Anderson, Caldwell, Boone, White, Norwood Noes: None Absent or Excused: None

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### RESOLUTION COMMENDING VIC SCHOENBACH FOR HIS SERVICE ON THE TRANSPORTATION ADVISORY BOARD

The following resolution was introduced by Alderman Doug Anderson and seconded by Alderman John Boone.

A RESOLUTION COMMENDING VIC SCHOENBACH FOR

HIS SERVICE ON THE TRANSPORTATION ADVISORY BOARD

(Resolution No. 11/84-85)

WHEREAS, Vic Schoenbach has served with diligence and dedication as the chairman of the Transportation Advisory Board from November 6, 1980 through May 3, 1984; and

WHEREAS, as the first chairman of this board, Vic Schoenbach helped to establish the Transportation Advisory Board as an important and valued source of information and advice to the Board of Aldermen on transportation matters;

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

Section 1. The Board expresses its sincere gratitude and appreciation to Vic Schoenbach for his service as the chairman of the Transportation Advisory Board from November 6, 1980 through May 3, 1984.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy shall be delivered to Vic Schoenbach.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of September, 1984:

Ayes: Garrett, Anderson, Caldwell, Boone, White, Norwood Noes: None Absent or Excused: None

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# REQUESTS TO SET PUBLIC HEARINGS

(1) Assessment Roll/Alabama Avenue Paving Project

The administration requested that a public hearing be scheduled for September 25, 1984 to hear citizens' views on the preliminary assessment roll for the Alabama Avenue street paving project.

(2) Temporary Street Closing Request

The Carrboro Recreation Department and The Pro Shop are requesting the temporary closing of the 100 block of East Weaver Street (adjacent to the Carr Mill Mall property) and the westbound lane of W. Weaver Street from Greensboro Street to Oak Avenue on Sunday, November 4, 1984 from 1:30 p.m. to 3:30 p.m. to accommodate the Third Annual Carrboro 10K Road Race. Approximately 600 participants are expected, in addition to spectators. Police assistance for traffic control has been requested.

The administration requested that a public hearing be scheduled for September 25, 1984 to consider this request.

(3) Conditional Use Permit Request/Milton Cheek Subdivision

Milton Cheek has applied for a conditional use permit for preliminary plat approval which would allow further subdivision of an 8.9-acre parcel into five additional lots. Application for final plat approval has also been requested. The proposed lots are on the east side of Milton Drive between North Greensboro Street and Cheek Street. The property is identified as Tax Map 104, Block A, Lot 15 and is zoned Residential-10.

The administration requested that a public hearing be scheduled for September 25, 1984.

(4) Temporary Street Closing Request/Carrboro Baptist Church

Alderman White stated that he has been requested to ask the Board to set a public hearing for September 25, 1984 to consider the request of Carrboro Baptist Church to close North Greensboro Street from Main Street to Weaver Street on October 14, 1984 from 9:00 a.m. to 2:00 p.m. for its annual homecoming activites.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE REQUESTED PUBLIC HEARINGS BE SET. VOTE: AFFIRMATIVE ALL

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# JOGGER/CYCLIST SAFETY PROGRAM

The Transportation Advisory Board is requesting an appropriation of \$350 to continue and expand the jogger/cyclist safety program. These funds would provide reflective bands for approximately 250 people and some newspaper advertising.

The Board of Aldermen at its worksession held on September 5, 1984 recommended adoption of a budget amendment transferring \$350 from the contingency fund for the jogger/cyclist safety program.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'84-85 BUDGET ORDINANCE", BE ADOPTED TRANSFERRING \$350 FROM THE CONTINGENCY ACCOUNT TO THE TRANSPORTATION ADVISORY BOARD BUDGET. VOTE: AFFIRMA-TIVE ALL

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CONTINUATION OF PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/RIGHT-OF-WAY WIDTHS FOR LOCAL ROADS

This was a continuation of the public hearing held on July 24, 1984 to consider whether to reduce the minimum right-of-way width for local roads having curb and gutter from 60 feet to 50 feet.

Mike Brough explained the proposed amendment.

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

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO CHANGE THE RIGHT-OF-WAY WIDTH REQUIREMENT FOR LOCAL STREETS CONSTRUCTED WITH CURB AND GUTTER FROM SIXTY FEET TO FIFTY FEET", BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (WHITE, NORWOOD)

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# CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/OAKBRIDGE SUBDIVISION

White Oak Properties, Inc. of Raleigh, N.C. has applied for a conditional use permit which would allow construction of an architecturally integrated subdivision of 14 lots on a 3.32-acre site located on the south side of High Street. The property is identified as Tax Map 103, Block A, Lots 6 and 33, and is zoned Residential-10.

This was a continuation of the public hearing held on July 24, 1984.

Greg Shepard, Zoning Administrator, explained the proposed project.

Mr. Shepard stated that the staff was recommending approval of the conditional use permit with the following conditions: (i) that the name of the subdivision be changed since it is phonetically similar to other Carrboro developments; (ii) that the applicant submit a detail planting and landscaping plan to the staff and Appearance Commission for review and approval prior to the issuance of a building permit; and (iii) that the applicant submit a stormwater plan with drainage calculations for review and approval by the town's consulting engineer prior to initiation of construction.

Mr. Shepard stated that the Planning Board was recommending approval of the conditional use permit with the recommendation to the Board of Aldermen that the road through the subdivision be allowed according to construction standards and that the screening, fencing, and landscaping requirements along the road be incorporated in this project.

Mr. Shepard stated that the Transportation Advisory Board was recommending approval of the permit with the following conditions: (i) that the pedestrian easement shown on the plans be widened to include a separate bikelane with an appropriate hard surface to be chosen by the developer; (ii) that this pedestrian easement be connected with an internal sidewalk system along the west side of the private street extending from the present easement to the cul-de-sac; (iii) that this internal sidewalk be in keeping with the natural setting, perhaps timber-edged with pine bark surface, but gravel is unacceptable; (iv) that the ordinance dealing with private street rights-ofway be interpreted to include private streets with 50 foot rights-of-way.

Mr. Shepard stated that the Appearance Commission was recommending approval of the conditional use permit with the following conditions: (i) that all proposed fencing be deleted and replaced with "Type A" vegetative screening except for the fence on the south side of the property adjoining the Gurganus property; (ii) that street trees shall be planted along the private road every 40 feet on alternating sides; (iii) that all existing trees specified to remain must be replaced if lost due to construction; (iv) that a proposed sign shall be routed or painted wood; (v) that the applicant submit elevation drawings for each building to the Appearance Commission for review and approval prior to issuance of a building permit for each lot.

Phillip Post, the developer's engineer, was sworn in. Mr. Post stated that the drainage problems in the area of this development currently exist without this development. The Eliadis driveway pipe is too small and Mrs. Eliadis has granted permission to the developer to install a much larger driveway pipe in addition to construction of a drainage swale along her property line.

Paul Carr, the developer, was sworn in. Mr. Carr pointed out the denseness of the existing screening on the property. Mr. Carr stated that he had no problem with changing the name of his development.

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Vincent Villagra, residing on W. Main Street, was sworn in. Mr. Villagra asked if the flow of water from the proposed development will interrupt the existing drainage pattern. Mr. Villagra asked if the trees already marked on the site of the proposed project will be taken down and asked if a Type A screen would normally deter pedestrian traffic.

Dena Neville stated that the ditch in front of her house at the corner of Pine Street and Hillsborough Road would need to widened and deepened to handle the water problem around her house.

Chris Peterson, Public Works Director, was sworn in. Mr. Peterson stated that Pine Street is town maintained and Hillsborough Road is State maintained.

Lula Eliadis asked if the fence behind the Neville property was going to be wood or chain link.

Paul Carr stated that he would put either wood or chain link fence along the Neville property line.

MOTION WAS MADE BY JOHN BOONE 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 DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DOUG ANDERSON 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 DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE 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. Any deviations from or changes in these plans must be pointed out a specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

(2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

(3) That the applicant submit a detailed planting and landscaping plan to the staff and Appearance Commission for review and approval prior to the issuance of a building permit.

(4) That the applicant submit a stormwater plan with drainage calculations for review and approval by the town's consulting engineer prior to initiation of construction.

(5) That all existing trees specified to remain must be replaced if lost due to construction.

(6) That the applicant submit elevation drawings for each building to the Appearance Commission for review and approval prior to issuance of a building permit for each lot.

(7) That the proposed sign be routed or painted wood.

(8) That the turning radius at the end of the entrance drive be constructed subject to the approval of the Fire Chief.

(9) The fence along the entrance drive and southern property line shall be six feet in height and constructed of wood. The fence along the Neville property line shall be six feet in height and constructed of chain link. If a different fencing material is requested by adjoining property owners, the developer may request minor modification approval from the Zoning Administrator.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE FOLLOWING ADDITIONAL CONDITION BE ADDED TO THE CONDITIONAL USE PERMIT: "THAT THE NAME OF THE SUBDIVISION BE CHANGED SINCE IT IS PHONETICALLY SIMILAR TO OTHER CARRBORO DEVELOPMENTS." VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT) PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/WEATHERHILL TOWNHOUSES, PHASES IV AND V

This was a public hearing to receive citizen comments on the voluntary annexation request for Weatherhill Townhouses, Phases IV and V.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, " AN ORDINANCE ANNEXING PHASES FOUR AND FIVE OF WEATHERHILL", BE ADOPTED. VOTE: AFFIRMATIVE ALL

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# BASKETBALL COURTS - SHELTER PROJECTS

The administration informed the Board of Aldermen at its worksession on September 5, 1984 that the process of acquiring valid informal bid proposals for construction of the basketball courts at the Community Park and picnic shelter at the Henry Baldwin Park had not netted positive results. A request for authorization to add \$6,000 local funds and \$6,000 LWCF funds to the project in order to negotiate with contractors submitting bids was discussed at the Board's worksession.

Richard Kinney, Recreation Director, stated that after meeting with the low bidder (Central Builders, Inc.) for the projects held on September 10, 1984, the following information was determined. Because of paving price increases, the original low bid of \$17,400 has increased to \$23,000 for court construction. Because of this factor and the original bids being over budget, several options were presented for the Board's consideration. Basically, those options were as follows:

Option A--consists of the original projects with no changes--\$35,204.56 (court), \$13,161.64 (shelter)

Option B---decreases the size of the shelter and substitutes 4" gravel with  $1\frac{1}{2}$ " binder from original contract---\$32,524.56 (court), \$11,531.64(shelter)

Option C--decreases the size of the shelter and eliminates lighting of courts--\$27,356.56 (court), \$11,531.64(shelter)

Option D--decreases the size of the shelter and substitutes H.B. binder base under courts with 6" gravel base--\$30,304.56 (court), \$11,531.64(shelter)

Option E--decreases the size of the shelter, substitutes H.B. binder base under courts with 6" gravel base, and eliminates court lighting contract altogether--\$22,456.56 (court), \$11,531.64 (shelter)

Mr. Kinney stated that the administration would also request that a five percent contingency be added to total budget authorized.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT OPTION A BE SELECTED, IN ADDITION TO THE FIVE PERCENT CONTINGENCY AND THAT THE NECESSARY FUNDS BE TAKEN FROM THE CAPITAL IMPROVEMENTS FUND. VOTE: AFFIRMATIVE FOURE, NEGATIVE TWO (GARRETT, ANDERSON)

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# TEEN CENTER REQUEST FOR FUNDS

The Teen Center, Inc. has submitted an application for funding in the amount of \$2,500. These funds would be used to promote youth recreational services in the Chapel Hill-Carrboro area and assist in operating a youth employment program.

The Board of Aldermen at its worksession held on September 5, 1984 requested that additional budgetary information be provided by the Teen Center and that this matter be placed on tonight's agenda.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE REQUEST BE REDUCED BY TEN PERCENT AND THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY'84-85 BUDGET ORDINANCE" BE ADOPTED TRANSFERRING \$2,250 FROM THE CONTINGENCY FUND INTO THE NON-DEPARTMENTAL TEEN CENTER ACCOUNT. VOTE: AFFIRMATIVE ALL

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# CONDITIONAL USE PERMIT MODIFICATION REQUEST/CEDAR ROCK APARTMENTS

E.R.S., Inc. has requested a modification to a conditional use permit granted on November 9, 1983 to allow construction of nine dwelling units in an architecturally

integrated subdivision on a 1.12-acre parcel located on the southwest corner of North Greensboro Street and Oak Avenue. The parcel is identified as Tax Map 95, Block A, Lot 20 and is zoned Residential-7.5.

Greg Shepard, Zoning Administrator, explained that the developer was requesting relief from Conditions #4 and #6 of the conditional use permit granted on November 9, 1983 for this project. Mr. Shepard stated that the administration was recommending that the developer not be released from Condition #4, but that the administration was recommending that the developer be released from Condition #6.

John Hartley, the developer, spoke in behalf of his request for relief from Conditions #4 and #6 of his conditional use permit stating that the town's sidewalk master plan calls for a sidewalk on the north side of N. Greensboro Street, that in order to accommodate a four foot wide sidewalk along his property line on N. Greensboro would require extensive regrading of the right-of-way which would mean elimination of most of the existing trees along the entrance to his development, and due to the extensive amount of grading which has already taken place due to the poor soil and drainage conditions, he has greatly exceeded his budgets and he feels the installation of the sidewalk will put an unfair burden on him.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT ADMINISTRATION'S RECOMMENDATIONS BE ACCEPTED. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MAYOR PORTO CAST A NEGATIVE VOTE.)

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE DEVELOPER BE RELEASED FROM CONDITION #6. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (BOONE, WHITE)

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE DEVELOPER BE RELEASED FROM CONDTION #4 WITH THE CONDITION THAT THE DEVELOPER ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE TOWN TO ALLOW FOR THE FUTURE INSTALLATION OF A SIDEWALK ALONG THIS PROPERTY. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (BOONE, WHITE, NORWOOD) (MAYOR PORTO CAST AN AFFIRMATIVE VOTE.)

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# CONDITIONAL USE PERMIT MODIFICATION REQUEST/ROCK HAVEN

The Harlon Group has requested a modification to a conditional use permit granted on March 13, 1984 to allow construction of 188 condominium dwelling units on a 13-acre parcel located on the west side of Smith Level Road and directly south of and adjacent to the Villages Apartments. The parcel is identified as Tax Map 122, Block A, Lot 5 and is zoned Residential-S.I.R. (Suitable for Intensive Residential)

Greg Shepard, Zoning Administrator, explained the requested modification. Mr. Shepard stated that the administration was recommending approval of the proposed modification as submitted.

MOTION WAS MADE BY JIM WHITE AND SECONDED BY JOHN BOONE THAT THE MODIFICATION REQUEST BE GRANTED AS REQUESTED. VOTE: AFFIRMATIVE ALL

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### APPOINTMENTS TO BOARDS

The Board of Aldermen at its worksession held on September 5, 1984 recommended that Andrew Dobelsteim be appointed to the Planning Board and that Cleo C. Perry be appointed to the Cemetery Commission.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE APPOINTMENTS BE MADE. VOTE: AFFIRMATIVE ALL

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# EXECUTIVE SESSION

MOTION WAS MADE BY JOHN BOONE AND SECONED BY DOUG ANDERSON THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION. VOTE: AFFIRMATIVE ALL

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There being no further business, the meeting was adjourned.

Jarah C. Williamson

Mayor