

A regular meeting of the Carrboro Board of Alderen was held on February 12, 1985 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	John Boone
	Zona Norwood
	Hilliard Caldwell
	Joyce Garrett
	Doug Anderson
Town Manager	Robert W. Morgan
Deputy Town Clerk	Ellen Hughes
Town Attorney	Michael B. Brough

Absent:

Alderman	Jim White
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF JANUARY 22, 1985 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGES ISSUED TO NEW BOARD MEMBERS

The Deputy Town Clerk issued charges to the following individuals:

Nellie Lappi, a recent appointee to the Appearance Commission

Will Ward, a recent appointee to the Board of Adjustment

Dazzie Lane, Celia Pistolis, Barbara McMullen and Douglas Wait, recent appointees to the Transportation Advisory Board

Richard Edens, a recent appointee to the Human Services Advisory Commission

REQUESTS TO SET PUBLIC HEARINGS

- (1) Voluntary Annexation of Sections II and V of the Tennis Club Estates

The administration recommended that the Board of Aldermen accept the petitions for annexation and adopt the attached resolution which sets a public hearing for February 26, 1985 to consider the annexation of Sections II and V of the Tennis Club Estates.

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

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
SECTIONS II & V OF THE TENNIS CLUB ESTATES
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 26/84-85

WHEREAS, the Town of Carrboro has received a petition from the owners of Sections II and V of the Tennis Club Estates requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition

requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

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

Section 1. The Board of Aldermen shall hold a public hearing on February 26, 1985 to consider the voluntary annexation of Sections II and V of the Tennis Club Estates.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published in the Chapel Hill Newspaper at least ten days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of February, 1985:

Ayes: Boone, Caldwell, Norwood, Anderson, Garrett

Noes: None

Absent or Excused: White

(2) Voluntary Annexation of the Cleora Sterling Corp., John B. Hill, and Elaine M. Hill Property

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt the attached resolution which sets a public hearing for February 26, 1985 to consider the annexation of the Cleora Sterling property to become effective on July 1, 1985.

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF THE CLEORA STERLING CORPORATION, JOHN B. HILL AND ELAINE M. HILL PROPERTY UPON THE REQUEST OF THE PROPERTY OWNERS Resolution No. 27/84-85

WHEREAS, the Town of Carrboro has received a petition from the owners of the Cleora Sterling Corporation requesting that their property located off Highway 54 West be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

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

Section 1. The Board of Aldermen shall hold a public hearing on February 26, 1985 to consider the voluntary annexation of the Cleora Sterling Corporation property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill Newspaper at least ten days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of February, 1985:

Ayes: Boone, Caldwell, Garrett, Anderson, Norwood

Noes: None

Absent or Excused: White

TOWN CODE AMENDMENT/COLLECTION OF SOLID WASTES FROM CONTAINERS NOT COMPATIBLE WITH TOWN COLLECTION EQUIPMENT

In the past, the public works department has been asked by at least two businesses to pick up roll off containers. Because the town does not own equipment that can service a roll-off container, it had to contract with a private vendor to empty these containers. In order to protect the town from this in the future, the administration recommended that the Town Code be amended to make it clear that the town will not pick up or otherwise be responsible for collecting dumpsters, roll-off containers or other solid wastes storage containers that are not compatible with the town collection equipment.

The Board of Aldermen at its worksession held on February 6, 1985 recommended adoption of the attached ordinance.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER ELEVEN OF THE TOWN CODE TO CLARIFY THAT THE TOWN WILL BE RESPONSIBLE FOR COLLECTING DUMPSTERS, ROLL-OFF CONTAINERS, SOLID WASTES STORAGE CONTAINERS THAT ARE NOT COMPATIBLE WITH TOWN COLLECTION EQUIPMENT" BE ADOPTED. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO FIRE PREVENTION COMMITTEE

The Board of Aldermen on December 11, 1984, approved the establishment of a Fire Prevention Committee to consist of a realtor, a builder of multi-family complexes, a manager of a multi-family complex, an architect or engineer, an insurance agent, a businessperson, and two citizens living in multi family complexes along with staff support. This committee was charged with reviewing the current sprinkler systems requirements for multi-family residential buildings and commercial buildings, determining the advisability of changing these requirements, and making a recommendation to the Board of Aldermen by the March 6, 1985 worksession.

The Town Clerk has advertised twice in local newspapers and to date, has received letters from the following individuals expressing interest in serving on this committee:

Michael Hubbard, Associate of Dail Dixon and Associates, Suite 220 Carr Mill, Carrboro

Ron Wells, President of Wells Management Group, P.O. Box 3222, Chapel Hill

Raymond Atwater, David Curl Building Associates, 200 W. Weaver Street, Carrboro

Luann Williams, Manager, The Villages Apartments, Smith Level Road, Carrboro

Nancy Atwater, 107 Barington Hills Road, Chapel Hill

Bryan Tilden, Chapel Hill Insurance Agency, P.O. Box 600, Chapel Hill

Sherwood Ward, 111 Cheek Street, Carrboro

The Board of Aldermen at its worksession held on February 6, 1985 recommended that the following individuals be appointed to the Fire Prevention Committee: Michael Hubbard, Ron

Wells, Raymond Atwater, Luann Williams, Nancy Atwater, Bryan Tilden, and Sherwood Ward.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT MICHAEL HUBBARD, RON WELLS, RAYMOND ATWATER, LUANN WILLIAMS, NANCY ATWATER, BRYAN TILDEN AND SHERWOOD WARD BE APPOINTED TO THE FIRE PREVENTION COMMITTEE. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO PLANNING BOARD

There presently exists two vacancies on the Planning Board due to the expiration of terms. These positions were held by Betsy Justice and Donald Peninger. Ms. Justice has expressed her desire to be re-appointed. The Town Clerk has received a letter from Dr. James P. Manor asking to be appointed to the Planning Board.

The Board of Aldermen at its worksession held on February 6, 1985 recommended that Betsy Holland be re-appointed to the Planning Board and that Dr. James Manor be appointed to the remaining vacancy on the Planning Board.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT BETSY HOLLAND BE RE-APPOINTED AND THAT DR. JAMES MANOR BE APPOINTED TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

TOM'S CREEK DRAFT ENVIRONMENTAL IMPACT STATEMENT

The administration and Rick Shaw from the State Division of Water Resources, presented the Board of Aldermen with a review of the Draft EIS for Tom's Creek at their January 16, 1985 worksession. After reviewing the EIS, the Board requested that the Triangle J COG prepare its comments and that a public hearing be held to obtain comment from interested citizens.

Roy Williford, Planning Director, stated that the purpose of tonight's meeting was to present the Draft Environmental Impact Statement to provide a better understanding of what this impact statement is about and what it generally contains. The Draft Impact Statement has been prepared for the channelization improvements along Tom's Creek. The State submitted its Draft Environmental Impact Statement back in December and have already extended its review period to February 15, 1985. All the comments received at tonight's public hearing will be forwarded to the State for its consideration in the preparation of a Final Draft Environmental Impact Statement.

Mr. Williford presented a slide presentation showing the area proposed for improvements.

Mr. Williford introduced Mr. John Southerland and Mr. Rick Shaw, with the Division of Water Resources, to present a summary of the Draft Environmental Impact Statement.

Mr. Shaw presented the Board with a review of the Draft Environmental Impact Statement. Mr. Shaw stated that the Division of Water Resources would propose channel excavation of a 1,200 foot portion of Tom's Creek downstream of Main Street. Alternatives to this action would be: (1) the construction of a retaining wall between Tom's Creek and Berkshire Manor Apartments, with the excavation of drainage ditches along Highway 54 Bypass, (2) the excavation of roadside ditches along Highway 54 Bypass without a retaining wall, and (3) no action.

Mr. Shaw stated that construction of a retaining wall between Tom's Creek and the Berkshire Manor Apartments would alleviate flooding through the 100-year flood to that area.

The alternative would require the construction of a 2 to 3 foot high concrete wall for a distance of 825 feet.

Mr. Shaw stated that excavation of roadside ditches without retaining wall construction would reduce flood stages within the apartment complex, but would not eliminate flood damages.

Mr. Shaw stated that if no action is taken to reduce flooding along Tom's Creek, flood waters will continue to cause damage with associated monetary losses and human suffering. Mr. Shaw stated that since the 1982 flood, some flood-prone residents have purchased federal flood insurance, but as future development occurs within the basin, the frequency of damaging floods will likely increase.

John Southerland stated that the proposed channel improvements include (a) a significant reduction in the 10 through 100-year flood elevations along the project reach; (b) reduced potential for area sewer backup problems; and (c) an improvement in the value of adjacent undeveloped lands.

Mr. Southerland stated that as proposed, channel construction would require the clearing of vegetation on both banks of Tom's Creek and result in the loss of about one acre of trees. The widening and realignment of Tom's Creek would eliminate standing water areas during periods of low water. The downstream fisheries could be impacted by materials suspended in the water by construction activities and erosion at construction areas. Any of the proposed construction alternatives could cause a temporary increase in stream sediment load. The drainage channel modifications would reduce the overall aesthetic value of the site.

Mr. Southerland stated that replanting of trees and shrubs along the new creek channel will help to offset the impact on wildlife and aesthetics. In order to minimize the impacts of water quality and downstream fisheries, appropriate silt and erosion control devices must be used, and disturbed areas should be revegetated as soon as possible after project completion. Mr. Southerland stated that the existing fish habitat of Tom's Creek could be maintained by either the construction of small weirs or by placing stones in areas that would provide fish with small pools during periods of low flows.

Rostyslaw Lewyckyj, residing at 1305 W. Main Street, stated that he did not think the town should proceed with this until further study is made of the hardening of the watershed and other development concerns in the Tom's Creek Watershed. Mr. Lewyckyj stated that he thought the culverts downstream should be widened to prevent the water from reaching the flood level.

Dan Stroh, residing at 1216 Hillview Road in Chapel Hill, and representing the Sierra Club, expressed concern that this project will seriously impact the water quality of Morgan Creek and the aesthetics of a portion of Tom's Creek.

Douglass Dewey, residing at 206 James Street, spoke in favor of widening the stream at Berkshire Manor to accommodate the fish life. Mr. Dewey also spoke in favor of the proposed channelization project.

Lacy Farrell, residing at 400 Lorraine Street, spoke in favor of the proposed channelization project.

Steve Chandler, representing the Planning Board, stated that the project should be abandoned for the following reasons: (1) it would not benefit Carrboro nor a vast majority of its citizens; (2) it represents a cost that should not be born by the public; (3) it would negatively impact environmental aesthetics; and (4) the resident fish and wildlife would be destroyed. The channelized portion of the creek could never support wildlife, and trees and other growth would at best take years to recover. The more Carrboro grows as a town,

the more important it becomes to conserve undevelopable natural areas.

Mr. Chandler stated that the Planning Board believes the project should be put to rest on these grounds. If, however, the project is considered further, the Planning Board finds the Environmental Impact Statement is itself inadequate for several reasons. For example, effects on flooding outside the immediate project area are not adequately addressed, downstream water quality effects are not considered; the survey of resident wildlife is notably incomplete; and, so forth. These issues, if they must be considered, should be addressed in a public hearing conducted by the Division of Water Resources.

Eleanor Kinnaird, representing Ken Moore, who resides on Old Fayetteville Road, read a letter from Mr. Moore speaking against the proposed channel modifications.

Neal Mochel, residing at 104 Lilac Drive asked if the culvert is not enlarged on Poplar Street, it seems that this would cause flooding on Poplar. Mr. Mochel requested that the entire Tom's Creek should be looked at, not just a portion of it as has been done.

John Green, Assistant Chief Engineer for OWASA, read a letter from Everett Billingsley. Mr. Billingsley's letter stated that the action proposed in EIS will address only a small segment of the Tom's Creek flooding problem. The project does not provide for the resolution of flooding problems upstream and downstream of the site of the proposed channel modifications. Both plans for the widening of the channel and the installation of a storm sewer system could present a conflict with the existing sanitary sewer main located behind Berkshire Manor Apartments. Adequate cover should be maintained to ensure the sewer main is properly protected. Mr. Billingsley stated that the impact on all homes in the Tom's Creek floodplain should be considered along with the proposed improvements. In addition, Mr. Billingsley stated that the EIS should address the types and locations of replacement trees.

Doug Sharer, residing at 501 W. Poplar Avenue, stated that he did not think channelization warrants the expenditure of public funds because the residences who have had flooding problems built in the floodplain. Mr. Sharer stated that he had not seen any documentation on the extent of flooding in 1982. He suggested that there are alternatives other than channelization which would help to solve the flooding problems, some of which individual property owners could do themselves.

Harold McFarland, owner of property on Poplar Avenue, stated that he was not in favor of using public funds to correct this problem, but public funds were used in the past to upgrade the sewer in this area.

Linda Grantson, Manager of Chateau Apartments, spoke against the proposed channelization project in that it will negatively impact on their property.

Doug Sharer, representing Mary Lacock, owner of property at 1301 W. Main Street, stated that Mrs. Lacock was against the proposed channelization project.

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

The staff was requested to forward a copy of the tape of tonight's meeting to the State Division of Water Resources.

LAND USE ORDINANCE TEXT AMENDMENT: MISCELLANEOUS

The administration requested that the Board of Aldermen amend the Land Use Ordinance to make minor changes, including provisions dealing with the protection of trees during construction, the dimensions of signs, and allowing landowners who have expired conditional use permits (issued after July 1, 1980) to proceed with development using pre-1984 densities.

Steve Chandler, representing the Planning Board, stated that the Planning Board was recommending that the first sentence of subsection (b) under Section 1 of the ordinance be changed to read: "If a such a tree dies within two years after a certificate of occupancy is granted for that portion of a development where such tree is or was located, then the permit recipient (or his successor) shall be required to replace the tree with one at least of equal diameter, up to a diameter of four inches. Mr. Chandler stated that the Planning Board was also recommending that Section 4 of the ordinance be deleted.

MOTION WAS MDE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE 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 THE ORDINANCE BE ADOPTED, AS WRITTEN. VOTE: AFFIRMATIVE TWO, NEGATIVE THREE (GARRETT, ANDERSON, NORWOOD)

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY ZONA NORWOOD THAT THE ORDINANCE ENTITLED, "AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE LAND USE ORDINANCE" BE ADOPTED DELETING SECTION FOUR AND RENUMBERING THE REMAINING SECTIONS. VOTE: AFFIRMATIVE THREE, NEGATIVE TWO (BOONE, CALDWELL)

LAND USE ORDINANCE TEXT AMENDMENT/CREATION OF R-4.5 ZONE

Dr. Tom Talley has petitioned the Board of Aldermen to establish a new moderate density residential district, an R 4.5 zone.

The Board of Aldermen at its meeting of January 22, 1985 deferred action on this matter until tonight's meeting.

Dr. Tom Talley requested the Board's favorable consideration of this amendment.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT REQUESTED AMENDMENT BE DENIED. VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE MAP AMENDMENT/WEST POPLAR AVENUE R-10 TO R-4.5

Dr. Tom Talley has petitioned the Board of Aldermen to rezone five tracts of land north of Poplar Avenue and west to the 54 Bypass from R-10 to R 4.5.

The Board of Aldermen at its meetng on January 22, 1985 deferred action on this matter until tonight's meeting.

This item was declared moot due to the action taken on the previous item.

APPLICATION FOR RENTAL REHABILITATION ASSISTANCE TO THE N.C. HOUSING FINANCE AGENCY

Roy Williford presented an application for Rental Rehabilitation Assistance to the Board of Aldermen for its consideration. Mr. Williford stated this program was made

available through the N.C. Housing Finance Agency and will provide lower income rental properties with deferred payment loans up to \$5,000 or 50% of the rehab cost matched with private financing for rehabilitation assistance.

The following resolution was introduced by Alderman John Boone and seconded by Alderman Hilliard Caldwell.

A RESOLUTION TO APPLY FOR FUNDS UNDER THE NORTH CAROLINA HOUSING FINANCE AGENCY FOR RENTAL REHABILITATION ASSISTANCE AND TO ADOPT A PROGRAM THEREFORE
Resolution No. 28/84-85

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 assist its residents in maintaining standard housing; and

WHEREAS, the North Carolina Housing Finance Agency through its Rental Rehabilitation Assistance Program offers assistance to qualified owners of substandard rental property in rehabilitating their property;

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of Carrboro that the 1984 and 1985 Rental Rehabilitation Program application, and the contents therein (including the "Rental Rehabilitation Program Affirmative Marketing Policy and Implementation Procedures") and the Agreement with Orange County for Services are hereby adopted and, the Town of Carrboro will work diligently to implement the program if selected to participate; and

BE IT FURTHER RESOLVED that Robert W. Morgan, Town Manager, is authorized to act as the official representative of the Town of Carrboro in connection with this application, is authorized to execute the Agreement with Orange County, and to provide such additional information as may be required by the North Carolina Housing Finance Agency.

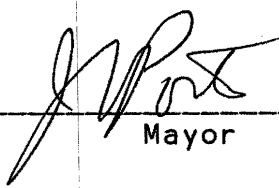
The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 12th day of February, 1985:

Ayes: John Boone, Doug Anderson, Joyce Garrett, Zona Norwood, Hilliard Caldwell

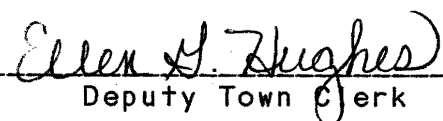
Noe: None

Absent or Excused: Jim White

There being no further business, the meeting was adjourned.



Mayor



Deputy Town Clerk