

A regular meeting of the Carrboro Board of Aldermen was held on July 8, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Randy Marshall
	Hilliard Caldwell
	John Boone
	Judith Wegner
	Zona Norwood
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:
Alderman Tom Gurganus

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD, CALDWELL AND SECONDED BY JOHN BOONE THAT THE MINUTES OF JULY 1, 1986 BE APPROVED. VOTE: AFFIRMATIVE 5, ABSTENTION ONE (WEGNER)

LOITERING OF VAGRANTS IN DOWNTOWN

Marle Riggins, co-owner of Brewer's Day Care requested the Board's assistance in having vagrants who loiter in the area of Brewer's Day Care removed.

It was the consensus of the Board to request the administration to investigate ways of correcting this problem.

REQUESTS TO SET PUBLIC HEARINGS

- (1) Conditional Use Permit Modification/Bolin Forest Subdivision

Bolin Forest Associates has applied for a conditional use permit modification which would allow the subdivision of 38.6 acres of land north of Greensboro Street to be subdivided into 78 lots for single-family residences, to be known as Phases II, III and IV of Bolin Forest. The land is identified as Tax Map 30, Lot 3B and is zoned Residential-SIR.

The administration requested that a public hearing be set for July 22, 1986 to consider this request.

- (2) Conditional Use Permit Request/Fenway Park, Section II

Pika Developers of Durham have applied for a conditional use permit that would allow the construction of 10 additional townhouses to be known as Fenway Park, Section II. The Board of Aldermen approved 15 units of townhouses in Section I on May 28, 1985. The property is zoned Residential-3 and contains 0.7 acres. It is identified as Tax Map 114, part of Lot 17.

The administration requested that a public hearing be set for July 22, 1986 to consider this request.

- (3) Conditional Use Permit Modification/Market at West End

Main Street Partners have applied for a conditional use permit that would allow construction of a temporary outdoor market in the West End parking area on Main Street (the future location of the Art School). The series of "tent-like" stalls would operate on weekends from April until December. The property is identified

as Tax Map 92, Block A, Lot 5 and is zoned Business-1.

The administration requested that a public hearing be set for July 22, 1986 to consider this request.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE REQUESTED PUBLIC HEARINGS BE SET FOR JULY 22, 1986. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/VOLUNTARY ANNEXATION/AMBERLY LANDS

Roy Williford, Planning Director, stated that the Town had received six petitions for annexation from property owners associated with the proposed "Amberly" subdivision.

Those property owners are: Myron and Christine Lloyd, Mary W. Cheek, Elizabeth Cheek and Lacy Neville, The M.M. Strowd Heirs, John and Rebecca Bland, and Egar and Hazel Lloyd.

Mr. Williford stated that the administration requested that the Board of Aldermen conduct a public hearing on the requested annexation, but delay adoption of the annexation ordinance until such time that the Board approves a conditional use permit for the proposed Amberly project.

Randy Danziger, a resident of Calvander, questioned whether the town would be required to provide water and sewer services to area requested for annexation. Mr. Danziger asked how many homes could be built on this property, and expressed concern over introduction of this large a development in the watershed area.

John Salter, a resident of Hillsborough Road, expressed concern over the additional traffic which would be generated by this development onto Old Fayetteville Road, and expressed concern over whether there is sufficient water to serve this large a development.

Phillip Szostak, developer of Amberly, stated that all water and sewer aspects will be addressed at the public hearing for the conditional use permit for this project, and stated that Amberly would like to make payment in lieu of providing recreational facilities.

Pat Davis, representing OWASA, stated that the OWASA Board would be considering water and sewer services for this development at its meeting on July 9, 1986 and requested that action on the annexation of this property be delayed until after that date.

Richard Ellington, a Carrboro resident, stated that he would like to see the density of this development lowered and suggested that OWASA should be concerned more about water quantity rather than water pollution. Mr. Ellington also suggested that OWASA should consider enlarging and dredging the University Lake Watershed to allow for storage of more water.

Stanley Bennett, a resident of Orange County and member of the Chapel Hill Township Planning Committee, asked for postponement of this annexation until those affected have an opportunity to review the Amberly project.

Louise Herring, a resident of Damascus Church Road, urged the Board to delay action on this matter.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THIS PUBLIC HEARING BE CONTINUED UNTIL THE MEETING WHEN THE PUBLIC HEARING IS HELD ON THE AMBERLY CONDITIONAL USE PERMIT REQUEST. VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE MAP AMENDMENT/HIGHWAY 54 WEST

Jerry Davenport, the town's planner, stated that this was a request to zone 144 acres of land (the site of the proposed Amberly Subdivision) adjacent to the existing planning jurisdiction to R-40. Mr. Davenport explained that this land is currently zoned R-1 by Orange County, which is equivalent to the town's R-40 zone. Mr. Davenport stated that the administration recommended this property be zoned R-40, contingent on it being annexed into the town limits.

Jeff (last name unknown), a resident of Orange County, requested that action on this matter be postponed.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JOHN BOONE THAT THIS PUBLIC HEARING BE CONTINUED UNTIL THE DATE OF THE PUBLIC HEARING ON THE AMBERLY CONDITIONAL USE PERMIT REQUEST. VOTE: AFFIRMATIVE ALL

MISCELLANEOUS LAND USE ORDINANCE AMENDMENTS

Jerry Davenport, the town's planner, stated that this was a public hearing to decide whether to amend the Carrboro Land Use Ordinance to make miscellaneous amendments to the ordinance dealing with open space, recreational facilities, cluster subdivisions in the watershed, crossing of buffers, bed and breakfast uses, and related matters.

Mr. Davenport explained the proposed amendments. Mr. Davenport stated that the administration recommended adoption of the proposed amendments with the exception of Sections 9 and 10 dealing with bed and breakfast houses, which the administration recommended be deleted from the ordinance for further consideration. Mr. Davenport stated that the administration also recommended that this public hearing be continued until July 22, 1986 in order that advisory board recommendations could be available.

John Musgrove, a resident of Whispering Hills, expressed concern over the provisions dealing with crossing of streams, stating that construction of bridges could cause flooding if objects became obstructed under the bridges.

Phillip Szostak, developer of the Amberly Subdivision, stated that he saw no real difference in architecturally integrated subdivisions and cluster subdivisions.

Randy Danziger, a resident of Calvander, expressed concern that the town limits are moving into the watershed. In addition, Mr. Danziger stated that he thought the proposed amendments speak to concerns of developers only.

John Salter, a resident of Hillsborough Road, stated that the area along Morgan's Creek is environmentally sensitive and should be carefully considered.

Pat Davis, representing OWASA, spoke in favor of the proposed amendments dealing with lot sizes and stated that particular attention should be given to stream crossings. Mr. Davis requested that action on these amendments be delayed.

Jay Bryan, residing at 301 Oak Avenue, asked if the proposed Amberly Subdivision will have dual access. Mr. Bryan also asked if all the property in the watershed could be developed without the stream crossing amendments. Mr. Bryan requested that this public hearing be continued until the Amberly conditional use permit public hearing is scheduled and suggested that the 2000 Task Force consider these amendments.

Richard Ellington, residing at 109 Bruton Drive, expressed concern that environmentally sensitive land would be developed if the proposed amendments concerning stream crossings are adopted.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT THIS PUBLIC HEARING BE CONTINUED UNTIL JULY 22, 1986. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/EXPANSION OF NON-CONFORMING USES

Jerry Davenport, the town's planner, stated that this was a public hearing to decide whether to amend the Carrboro Land Use Ordinance to allow the expansion of non conforming uses by 50% or 1,000 square feet, whichever is less.

Mr. Davenport stated that the administration opposed the proposed amendment due to the fact that any improvements to these uses will postpone their being replaced with uses that conform to the Land Use Ordinance.

Mr. Davenport stated that the Planning Board recommended that if a building is 0 to 1,000 square feet, the use could expand 1,000 square feet or 100%, whichever is less; 1,001 square feet to 5,000 square feet, expansion of 35%; 5,001 plus square feet could expand 25% with landscaping reviewed by the Appearance Commission.

Mr. Morgan stated that the Downtown Development Commission had reviewed this ordinance on July 7, 1986, and recommended its adoption.

William Brown questioned whether the proposed ordinance would help his situation in regard to expansion of his business.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD 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 ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO AUTHORIZE THE EXPANSION OF NONCONFORMING USES BE ADOPTED, AS AMENDED USING A MODIFIED VERSION OF THE PLANNING BOARD'S RECOMMENDATION IN SUBSECTION (G)(1). VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (JUDITH WEGNER, RANDY MARSHALL)

Mike Brough noted that due to the lack of an affirmative vote of two-thirds of the Board membership, this ordinance would require a second reading.

ANNUAL CERTIFICATION OF FIREMEN

Each year by July 31st, the town must certify to the State Firemen's Pension Fund a roster of qualified firemen who have met the requirements of the General Statutes.

The administration recommended approval of the roster and recommended that the Board of Aldermen authorize the Mayor to sign the certification.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MAYOR BE AUTHORIZED TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO APPEARANCE COMMISSION

There are currently three vacancies on the Appearance Commission. These vacancies have been advertised and Ms. Ann Leonard, who resides at 202- B Maple Avenue, has responded to the advertisement. Ms. Leonard has attended a meeting of the Appearance Commission and that commission recommends her appointment.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JOHN BOONE
THAT ANN LEONARD BE APPOINTED TO THE APPEARANCE COMMISSION.
VOTE: AFFIRMATIVE ALL

APPROPRIATION FOR CHILD CARE NETWORK

Don Casper, Finance Director, stated that during budget deliberations the Child Care Network had requested that 50% of its \$1,000 appropriation be used for administration and 50% be used for child care subsidy. Mr. Casper stated that he had contacted the vice-chair of the Human Services Commission to see if a meeting of that commission could be arranged to discuss this request, but the vice-chair had been unable to arrange such a meeting. Mr. Casper stated that the vice-chair had stated that she would recommend that the original recommendation of the Human Services Commission be retained for this appropriation.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT \$200 OF THE APPROPRIATION BE USED FOR ADMINISTRATION AND \$800 BE USED FOR CHILD CARE SUBSIDY. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (BOONE)

There being no further business, the meeting was adjourned.

Carol C. Williamson
Town Clerk

John Boone
Mayor