

A regular meeting of the Carrboro Board of Aldermen was held on September 23, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Protem	John Boone
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Judith Wegner
	Zona Norwood
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Mayor James V. Porto, Jr.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE MINUTES OF SEPTEMBER 16, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

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REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE AMENDMENTS: MISCELLANEOUS 1

The Board of Aldermen at its meeting of September 9, 1986 set a public hearing for October 7, 1986 to consider proposed changes to the Land Use Ordinance entitled, "An Ordinance Amending the Land Use Ordinance to Modify and Clarify Provisions Dealing with Open Space and Recreational Facilities, to Authorize Cluster Subdivisions in the R-40 and R-80 Zoning Districts, to Allow for the Crossing of Designated Buffers, to Control the Arrangement of Structures on Land in University Lake Watershed and Miscellaneous Matters."

Since the September 9th Board meeting, a joint dinner meeting has been scheduled for October 7th between the Carrboro Board of Aldermen, Chapel Hill Town Council, Orange County Board of Commissioners, and OWASA representatives. Therefore, the administration requested that the public hearing on the land use ordinance amendments be rescheduled for October 14, 1986.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE RESCHEDULED FOR OCTOBER 14, 1986 TO CONSIDER THE MATTERS DEALING WITH OPEN SPACE AND CLUSTERING AND THAT DISCUSSION OF THE REMAINING SECTIONS OF THE PROPOSED ORDINANCE BE POSTPONED. VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (NORWOOD, WEGNER, BOONE, MARSHALL)

Mr. Morgan requested that the Board delay action on setting the public until its October 14th meeting in order for the town staff to work out differences with OWASA on the proposed amendments.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY ZONA NORWOOD THAT THE BOARD OF ALDERMEN REVIEW THE PROPOSED LAND USE ORDINANCE AMENDMENTS AT ITS WORKSESSION SCHEDULED FOR OCTOBER 14, 1986. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, CALDWELL)

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ESTABLISHMENT OF REVOLVING LOAN FUND

The administration requested approval of a revolving loan fund with the understanding that any eligible Community Development activity need, when and if it presents itself, would also be addressed with any Economic Development program

Income funds on hand, based upon approval by the N.C. Department of Natural Resources and Community Development.

The Board of Aldermen reviewed this proposal at its worksession held on September 16, 1986 and requested that it be placed on tonight's consent agenda for approval.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE REVOLVING LOAN FUND BE APPROVED AS PROPOSED. VOTE: AFFIRMATIVE ALL

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PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/FENWAY PARK II

Pika Developers have applied for a conditional use permit that would allow the construction of 9 townhouse units on Highway 54 next to Harris Distributors to be known as Fenway Park II. The land is identified as part of the Ralph Pendergraph property, Tax Map 114, Lot 17C.

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard presented the proposed site plan and stated that the administration recommended approval of the conditional use permit with the following conditions:

- a. That a modified easement agreement be provided prior to issuance of the conditional use permit which indicates the ability of Fenway Park II to utilize the access easement across the Harris property.
- b. That future extension or connection of the private drive in Fenway Park II be prohibited as provided by Section 15-213(a)(3)c.
- c. That the pedestrian trail be constructed within the proposed 20-foot pedestrian and bicycle easement and extended to the southern property line.
- d. That the developer coordinate with the staff to modify the site plan in order to better achieve compliance with Section 15-198(d) prior to issuance of the conditional use permit.

Mayor Protem Boone stated that the Transportation Advisory Board and Planning Board recommended approval of the conditional use permit with the staff recommendations. Mayor Protem Boone stated that the Appearance Commission recommended approval of the conditional use permit with the condition that tree protection be erected around the driplines of the 14" oak and the 18" oak at the southeast corner of the site prior to issuance of a building permit.

David Morris, President of Pika Developers, was sworn in. Mr. Morris requested relief from the staff's recommendation to modify the site plan in order to better achieve compliance with Section 15-198(d) of the Land Use Ordinance and stated that the buildings average 81 feet from Tom's Creek.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

Roy Williford, Planning Director, stated that the buffers required by the land use ordinance are intended to provide green space, protect vegetation along streams and protect dwellings from flooding.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLI-

CABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE:  
AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS 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 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 a modified easement agreement be provided prior to issuance of the conditional use permit which indicates the ability of Fenway Park II to utilize the access easement across the Harris property.
- 4) That future extension or connection of the private drive in Fenway Park II be prohibited as provided by Section 15-213(a)(3)c.
- 5) That the pedestrian trail be constructed within the proposed 20-foot pedestrian and bicycle easement and extended to the southern property line.
- 6) That the developer coordinate with the staff to modify the site plan in order to better achieve compliance with Section 15-198(d) prior to issuance of the conditional use permit.
- 7) That tree protection be erected around the driplines of the 14-inch oak and the 18-inch oak at the southeast corner of the site prior to issuance of a building permit.

VOTE: AFFIRMATIVE ALL

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#### COLLECTION OF LOOSE LEAVES

Chris Peterson, Public Works Director, stated that as the town has grown over the past years, the procedure for collecting loose leaves has not been modified. Mr. Peterson stated that the administration recommended that the collection of loose leaves be discontinued between November 1st and March 1st and that citizens be required to bag all leaves.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE ADMINISTRATION CONTINUE WITH THE CURRENT PROCEDURE OF COLLECTING LOOSE LEAVES AND THAT THE ADMINISTRATION PREPARE INFORMATION SHEETS FOR DISTRIBUTION TO CITIZENS ENCOURAGING THE BAGGING OF LEAVES AND SETTING FORTH THE SCHEDULE FOR COLLECTION OF LOOSE LEAVES. VOTE: AFFIRMATIVE ALL

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#### REQUEST FOR REVISION OF SECONDARY FIRE DISTRICT BOUNDARY

Gary Buck and Raymond Atwater have requested that the Board of Aldermen hold a public hearing on October 14, 1986 to amend the secondary fire district map to follow their property line fronting Main Street. The Fire Chief concurred with this request.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS

THAT A PUBLIC HEARING BE SET FOR OCTOBER 14, 1986 TO CONSIDER AMENDING THE SECONDARY FIRE DISTRICT MAP AS REQUESTED. VOTE: AFFIRMATIVE ALL

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IMPROVEMENTS TO WEST MAIN STREET, HILLSBOROUGH ROAD AND GREENSBORO STREET

Jim Dunlop, the town's transportation planner, provided the Board with a review of the "areas of concern" posed by the N.C. Department of Transportation in association with the proposed improvements to Main Street, Hillsborough Road, and Greensboro Street. Mr. Dunlop stated that the areas of concern which may require additional right-of-way and/or unanticipated construction costs include: (a) construction of a turn lane on Estes Drive; (b) redesign of the curve on Greensboro Street near Oak Street; (c) realignment of the Hillsborough Road-Greensboro Street intersection to stop Hillsborough Road traffic instead of Greensboro Street traffic; realignment of the Hillsborough Road and Main Street intersection; and (d) disturbance and possible elimination of the Simpson Street Park to accommodate road widening, slope requirements, and possible realignment of the Main Street-Simpson Street intersection. Mr. Dunlop stated that of immediate concern to D.O.T. is the disturbance and possible elimination of the Simpson Street Park. Mr. Dunlop stated that federal regulations prohibit disturbance of parks unless they are classified as having no significance by the local jurisdiction.

Mr. Morgan requested the Board to consider the status of the Simpson Street Park and determine whether it is significant or has no significance as a park.

Mr. Dunlop informed the Board that the N.C. Department of Transportation would be holding a public meeting on September 25, 1986 at Town Hall from 3:00 p.m. until 7:00 p.m. in order to answer citizens' questions concerning the proposed improvements.

Chris Peterson, Public Works Director, stated that the town's street crew distributed copies of the notice of the public meeting on September 18th and 19th door-to-door for all the residences on Greensboro Street.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR OCTOBER 21, 1986 TO DETERMINE IF THE SIMPSON STREET PARK IS SIGNIFICANT OR HAS ANY SIGNIFICANCE AS A PARK. VOTE: AFFIRMATIVE ALL

The Board requested a report on the comments received at September 25th public meeting conducted by the N.C. Department of Transportation.

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CANCELLATION OF OCTOBER 7TH BOARD MEETING

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE BOARD OF ALDERMEN MEET IN WORKSESSION WITH THE CHAPEL HILL TOWN COUNCIL, ORANGE COUNTY BOARD OF COMMISSIONERS AND REPRESENTATIVES OF OWASA ON OCTOBER 7, 1986 AT THE HOTEL EUROPA AND THAT THE REGULAR MEETING OF THE BOARD OF ALDERMEN SCHEDULED FOR OCTOBER 7TH BE CANCELLED. VOTE: AFFIRMATIVE ALL

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PLANTATION PLAZA CONDITIONAL USE PERMIT REVOCATION

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING SCHEDULED FOR OCTOBER 14, 1986 TO CONSIDER REVOCATION OF THE CONDITIONAL USE PERMIT FOR THE WILLOW CREEK SHOPPING CENTER BE CANCELLED; THAT THE TOWN

STAFF PRESENT A STATUS REPORT ON THE PROGRESS OF IMPROVEMENTS IN LIEU THEREOF, AND THAT THE TOWN STAFF BE AUTHORIZED TO ISSUE PERMITS FOR UP TO 80% OF THE TOTAL SQUARE FOOTAGE, WHERE APPROPRIATE. VOTE: AFFIRMATIVE ALL

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There being no further business, the meeting was adjourned.

Charles C. Williamson  
Town Clerk

John D. Bean  
Mayor Protem