

A regular meeting of the Carrboro Board of Aldermen was held on February 24, 1987 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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| Mayor | James V. Porto, Jr. |
| Aldermen | Randy Marshall |
| | Hilliard Caldwell |
| | Tom Gurganus |
| | Judith Wegner |
| | John Boone |
| Town Manager | Robert W. Morgan |
| Town Clerk | Sarah C. Williamson |
| Town Attorney | Brenda Foreman (sitting in for Mike Brough) |

Absent:
Alderman Zona Norwood

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT THE MINUTES OF FEBRUARY 10, 1987 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGE ISSUED TO NEW BOARD APPOINTEES

The Town Clerk issued "charges" to Johanna Snyder, a recent appointee to the Downtown Development Commission, and Heidi Perry, a recent appointee to the Transportation Advisory Board.

RESOLUTION OF APPRECIATION/PUBLIC WORKS DEPARTMENT

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Judith Wegner.

A RESOLUTION COMMENDING THE
CARRBORO PUBLIC WORKS DEPARTMENT
Resolution No. 21/86-87

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board hereby commends the town's Public Works Department for a job well done during the recent inclement weather.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen.

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 24th day of February, 1987:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, John Boone, Judith Wegner

Noes: None

Absent or Excused: Zona Norwood

APPOINTMENT TO HISTORIC PRESERVATION TASK FORCE

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT NORMAN BARBEE BE APPOINTED TO THE HISTORIC PRESERVATION TASK FORCE. VOTE: AFFIRMATIVE ALL

REQUEST FOR REVIEW OF HIGHLAND HILLS CONDITIONAL USE PERMIT

Mary Jane Baker, an adjoining property owner to the Highland Hills development, reviewed a letter she had sent to the town's zoning administrator, dated February 15, 1987, expressing concern that this development was proposing to install a large drainage pipe which will run into Spring Branch. Ms. Baker stated that she had been told by the Orange County Erosion Control officer that the proposed erosion control measure had come about due to an erosion problem in this area which was being caused by Highland Hills clearing and building too close to the head of the embankment due to an inaccurate topography map. Ms. Baker expressed her concern that Highland Hills may have violated the buffer zone at this site at the stream and caused a serious erosion problem which threatens not only the embankment but the stream and her property as well.

Ms. Baker requested that the town review the new proposal for erosion control and investigate possible ordinance violations in connection with workmen uses the woods for a bathroom, harassment by workmen and Highland Hills throwing garbage and construction materials over the cliff into the stream.

Amy Parker, the town's development coordinator, stated that a meeting had been set up with representatives of the Highland Hills development to review the problems mentioned by Ms. Baker.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JOHN BOONE THAT THE TOWN STAFF BE DIRECTED TO ISSUE STOP WORK ORDERS TO HIGHLAND HILLS IF THE STAFF FEELS VIOLATIONS EXIST TO WARRANT SUCH ACTION AND THAT THE STAFF REPORT BACK TO THE BOARD ON MARCH 3, 1987 WITH ANSWERS TO THE QUESTIONS RAISED BY MS. BAKER. VOTE: AFFIRMATIVE ALL

REQUESTS TO SET PUBLIC HEARINGS

(1) Close Out of Economic Development Grants

The administration requested that a public hearing be set for March 10, 1987 to receive citizen comments on the close out of the Cleora Sterling and Rogers Triem Economic Development Grants.

(2) 1987-88 Budget Preparation

The administration requested that a public hearing be set for March 3, 1987 to receive citizen comments and views for consideration in preparation of the 1987-88 budget.

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

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO ALLOW VETERINARIAN OFFICES IN B-1(G) AND B-4 ZONING DISTRICTS

Roy Williford, Planning Director, stated that this item was before the Board of Aldermen to consider whether to make an amendment to the Land Use Ordinance to allow veterinarian offices in the B-1(g) and B-4 zoning districts.

Mr. Williford stated that the administration recommended adoption of the proposed ordinance amendment.

Mayor Porto stated that the Downtown Development Commission and the Board of Adjustment recommended adoption of the proposed ordinance amendment.

Andy Dobelsteim, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance amendment.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS 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 JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MAKE VETERINARIAN OFFICES PERMISSIBLE WITH A SPECIAL USE PERMIT IN B-1(G) AND B-4 DISTRICTS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

CONDITIONAL USE PERMIT REQUEST/WEATHERHILL POINT

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that Wells Management Group, Inc. had applied for a conditional use permit that would allow the construction of 56 single-family units on the east side of Westbrook Drive at Berryhill Drive to be known as Weatherhill Point. The land is identified as Tax Map 116A, Blocks C, E and F.

Mr. Williford stated that it was the staff's opinion that the applicant had not provided sufficient data as requested to make an adequate water quality assessment of the proposed lake for use other than a stormwater detention facility. Mr. Williford stated that the town has retained the services of an environmental consultant to address these issues. Mr. Williford stated that the administration recommended that this public hearing be continued until March 17, 1987 to allow for receipt of the written report by the town's consultant.

Mr. Williford stated that the following conditions were recommended by the administration:

1. That restrictive covenants include a provision that the private streets, pond and dam are to be maintained by the Homeowners' Association and that liability and responsibility by the Town of Carrboro shall be waived.
2. That as part of construction plan approval, OWASA shall make certifications to the Town in accordance with Section 15-256 of the Land Use Ordinance.
3. That no building permit shall be issued until review of plans and submittal of documentation to satisfy Section 15-254(f) of the Carrboro Land Use Ordinance.
4. That the Type B fitness trail be constructed with 2- inch crushed ABC stone base with a surface course of 2 inch Chapel Hill gravel or equivalent.
5. That the recreation point deficiency (163.23 points) shall be rectified by a payment in lieu of these points into the Town of Carrboro's recreation facilities fund.
6. That further details of phasing for land clearing operations shall be submitted to and approved by the Orange County Soil and Erosion Control officer.
7. That written verification from the Dam Safety Unit of the North Carolina Department of Natural Resources and Community Development be submitted indicating that no permit is necessary for this project prior to construction plan approval.

Dain Riley, with the LPA Group, was sworn in. Mr. Riley stated that based on the information available, it appears that the watershed contributing to the proposed lake is marginal in size to provide the turn over of water to maintain water quality and requested that the town staff obtain the opinion of the environmental consultant before recommending approval of the lake.

Amy Parker, the town's development coordinator, was sworn in. Ms. Parker stated that based on consultation with the town's engineer, biologists and water quality specialists at the N.C. Department of Natural Resources and Community Development, geologists at the N.C. Geologic Survey, soil scientists, and water quality specialists at N.C. State University and University of North Carolina, there are several issues which should be addressed in further detail before an adequate assessment of the feasibility of the lake design can be made.

Andy Dobelsteim, Chair of the Planning Board, was sworn in. Mr. Dobelsteim stated that the Planning Board recommended approval of the conditional use permit with the following conditions:

1. That restrictive covenants include a provision that the private streets, pond and dam are to be maintained by the Homeowners' Association and that liability and responsibility by the Town of Carrboro shall be waived.
2. That as part of construction plan approval, OWASA shall make certifications to the Town in accordance with Section 15-256 of the Land Use Ordinance.
3. That no building permit shall be issued until review of plans and submittal of documentation to satisfy Section 15-254(f) of the Carrboro Land Use Ordinance.
4. That the Type B fitness trail be constructed with 2- inch crushed ABC stone base with a surface course of 2-inch Chapel Hill gravel or equivalent.
6. That further details of phasing for land clearing operations shall be submitted to and approved by the Orange County Soil and Erosion Control officer.
7. That the pond is in fact an 'active recreation' facility and the recreation director should consider the pond as an 'active recreation' facility and award the appropriate number of points.

Mayor Porto stated that the Appearance Commission reviewed the revised landscape plans and approved them. The Appearance Commission stated that due to concern with the appearance of the pond if water quality is poor, that the Commission be allowed to review and comment on grading plans upon receipt of water quality review by the consultant the town is hiring.

Steve Oglesbee, Chair of the Transportation Advisory Board, was sworn in. Mr. Oglesbee stated that the Transportation Advisory Board recommended approval of the conditional use permit with the following conditions:

1. If the fitness trail meets the appropriate standards of the town, then an extension of the sidewalk shall not be required.
2. The road intersection at Weatherhill Point and Berryhill Drive be modified so that the lanes are more clearly delineated for safety concerns.
3. All road elevations be raised to meet or exceed the 50-year flood elevation.
4. Staff recommendation no. 1 regarding restrictive covenants be included.

5. The parking area at the intersection of Weatherhill Point and Berryhill Drive be modified so that parked cars do not back into the intersection when exiting.

Jim Dunlop, the town's transportation planner, was sworn in. Mr. Dunlop stated that in a letter dated December 18, 1986 from Transportation Secretary James Harrington to Congressman Bill Cobey, concerning a request from Ron Wells for a traffic signal at the intersection of N.C. 54 and Westbrook Drive, it was determined that due to the closeness of this intersection to the on-ramp for traffic from Jones Ferry Road to N.C. 54, a traffic signal was not recommended. D.O.T. did recommend in that letter that a 4-foot wide median island along N.C. 54 between Jones Ferry Road and Smith Level Road be installed along with the westbound ramp off N.C. 54 to Jones Ferry Road be widened to accommodate two lanes of traffic and that a traffic signal be installed at the intersection of the ramp and Jones Ferry Road.

Richard Kinney, Recreation Director, was sworn in. Mr. Kinney stated that the town staff had determined that the proposed lake would not qualify for active recreation points. Mr. Kinney stated that assignment of active recreation points for this type of facility is difficult to determine based upon the concern at what level, if any, is active recreation being provided for. Mr. Kinney stated that the staff had determined that the clearest interpretation, not only for this project but the future as well, should be that active recreation points be restricted to only those facilities that clearly provide for active recreation use, i.e., boats, docks, fishing piers, etc.

Robin Dorf, representing Wells Management Group, was sworn in. Mr. Dorf stated that this development will provide a continuation of the cluster home project. Mr. Dorf stated that they had spent the last two years researching the possibility of constructing the lake in this development. Mr. Dorf stated that their consultants had determined that the lake will be a viable part of this development. Mr. Dorf stated that the lake will accommodate boating, fishing and provide active recreation. Mr. Dorf requested that the conditional use permit be approved with the water quality of the lake as a contingency. Mr. Dorf stated that the lake would be excavated at the start of the project, will be seeded and maintained throughout construction of the project, and will be filled at the completion of the project. Mr. Dorf stated that the units will average \$100,000 each.

Bob Anderson, representing the developer, was sworn in. Mr. Anderson stated the developer was proposing to meet all conditions recommended by the staff and advisory boards. Mr. Anderson stated that Dan Marks, P.E. had prepared a report for the developer describing how the pond would be built. Mr. Anderson stated that when the detailed plans for the pond are prepared, all issues concerning the pond can be addressed.

Dan Marks, P.E., was sworn in. Mr. Marks stated that the size of the dam for the lake does not fall under the Dam Safety Act of 1967 but has been designed to meet those guidelines. Mr. Marks stated that the pond will decrease property damage downstream in the event of a 100-year flood. Mr. Marks stated that the pond has been designed to fluctuate the water level. Mr. Marks stated that test pits were dug to test the soils and it was determined that the soils are suitable for the construction of a pond.

Dr. Barrett Case, the town's consultant, was sworn in. Dr. Case stated that he will check soil materials on the site, the available water coming into the lake and will try to make a reasonable recommendation on the water quality.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THIS PUBLIC HEARING BE CONTINUED ON MARCH 17, 1987. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (BOONE,

GURGANUS, CALDWELL

Robert Morgan, Town Manager, was sworn in. Mr. Morgan stated that the town staff was uncomfortable with the Board delegating the town staff to make a determination on the suitability of the pond.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (WEGNER, MARSHALL)

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

MOTION WAS MADE BY JOHN BOONE 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 specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. That restrictive covenants include a provision that the private streets, pond and dam are to be maintained by the Homeowners' Association and that liability and responsibility by the Town of Carrboro shall be waived.
3. That as part of construction plan approval, OWASA shall make certifications to the Town in accordance with Section 15-256 of the Land Use Ordinance.
4. That no building permit shall be issued until review of plans and submittal of documentation to satisfy Section 15-254(f) of the Carrboro Land Use Ordinance.
5. That the Type B fitness trail be constructed with 2- inch crushed ABC stone base with a surface course of 2-inch Chapel Hill gravel or equivalent.
6. That the recreation point deficiency (163.23 points) shall be rectified by a payment in lieu of these points into the Town of Carrboro's recreation facilities fund.
7. That further details of phasing for land clearing operations shall be submitted to and approved by the Orange County Soil and Erosion Control officer.
8. That written verification from the Dam Safety Unit of the North Carolina Department of Natural Resources and Community Development be submitted indicating that no permit is necessary for this project prior to construction plan approval.
9. That a notation be included on the final plat indicating that this property lies within the 100-year flood plain and has been approved in accordance with the Carrboro Land Use Ordinance.
10. That the applicant shall demonstrate that the pond meets Class C water quality requirements as defined by the Division of Environmental Management water quality standards in consultation with the town's consultant.

VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (MARSHALL, WEGNER)

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/HOLLAND PROPERTY

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that Murry W. and Helen H. Holland have applied for a conditional use permit that would allow the existing building at 401 East Main Street (corner of Main Street and Rosemary Street) to be used for office and sales purposes. The land is identified as Tax Map 92, Block B, Lot 13.

Mr. Williford stated that the administration recommended approval of the conditional use permit with the following conditions:

1. That evergreen shrubs and ground cover be planted to surround the proposed trees to be planted in the two planters away from the building.
2. That, as part of the construction plan approval, an encroachment agreement from the N.C. Department of Transportation be required for those portions of planters along West Main Street.
3. That any underground fuel tanks on the property be emptied and filled with concrete or sand if they are to remain or that they be completely removed per standards of the N.C. Department of Environmental Management.
4. That additional right-of-way along West Main Street or West Rosemary Street as shown on the staff recommendation drawing dated 2/2/87 be dedicated to the Town of Carrboro when requested by the Town, which request must be made within ten years from the date of this permit, and such request shall be made only after the Town has made a determination to make street improvements to West Main Street or West Rosemary Street.
5. That the driveway to Main Street be restricted to right turns entering and exiting, and that appropriate signage and pavement markings be provided which clearly indicate no left turns.

Jim Dunlop, the town's transportation planner, was sworn in. Mr. Dunlop stated that if D.O.T. widens Main Street, the applicant would be required to provide satellite parking.

Steve Oglesbee, Chair of the Transportation Advisory Board, was sworn in. Mr. Oglesbee stated that the Transportation Advisory Board recommended approval of the conditional use permit with staff recommendations 1-4 with the addition of the following condition: That the staff and developer work on redesign of the parking area to permit a vehicle opening on Main Street (this driveway to permit right turns in and out only), and include a safe, clearly delineated walking area on Rosemary and Main.

Mayor Porto stated that the Planning Board recommended approval of the conditional use permit with staff recommendations 1-4 and that egress and ingress be according to the Transportation Advisory Board recommendation.

Mayor Porto stated that the Appearance Commission recommended approval of the conditional use permit.

Mayor Porto stated that the Downtown Development Commission recommended approval of the conditional use permit with the staff recommendations, except for #5 to allow for a driveway connection with Main Street by permitting its use as an exit only.

Dail Dixon, representing the developer, was sworn in. Mr. Dixon suggested that the best compromise would be to allow right turns in and out of the Main Street entrance.

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 JOHN BOONE AND SECONDED BY JUDITH WEGNER 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 APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE 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 specifically 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 evergreen shrubs and ground cover be planted to surround the proposed trees to be planted in the two planters away from the building.
4. That, as part of the construction plan approval, an encroachment agreement from the N.C. Department of Transportation be required for those portions of planters along West Main Street.
5. That any underground fuel tanks on the property be emptied and filled with concrete or sand if they are to remain or that they be completely removed per standards of the N.C. Department of Environmental Management.
6. That additional right-of-way along West Main Street or West Rosemary Street as shown on the staff recommendation drawing dated 2/2/87 be dedicated to the Town of Carrboro when requested by the Town, which request must be made within ten years from the date of this permit, and such request shall be made only after the Town has made a determination to make street improvements to West Main Street or West Rosemary Street.
7. That the town staff and the applicant work on redesign of the parking area to permit a vehicle opening on Main Street (this driveway to permit right turns in and out only) and include a safe, clearly delineated walking area on Rosemary and Main Streets.

VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/LAND USE ORDINANCE AMENDMENTS:
MISCELLANEOUS II

Roy Williford, Planning Director, stated that this item was before the Board of Aldermen to consider whether to make a number of miscellaneous changes to the Land Use Ordinance. These changes are believed to be minor in nature and do not involve a significant change in the land use or development policies.

Mr. Williford briefly explained the proposed amendments.

Mayor Porto stated that the Board of Adjustment recommended approval of the proposed amendments. Mayor Porto stated that the Planning Board recommended approval of the proposed amendments with the following changes: (i) in Section 9 the words "twenty-five" should be replaced with the word "twelve" and (ii) in Section 12 change the words under 8.100 to read "Restaurant with none of features listed in use classifications below as its primary activity."

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

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE LAND USE ORDINANCE" BE ADOPTED AS RECOMMENDED BY THE PLANNING BOARD (REPLACING THE WORDS 'TWENTY-FIVE' IN SECTION 9 WITH THE WORD 'TWELVE' AND CHANGES THE WORDING IN SECTION 12 UNDER 8.100 TO READ 'RESTAURANT WITH NONE OF FEATURES LISTED IN USE CLASSIFICATIONS BELOW AS ITS PRIMARY ACTIVITY.' VOTE: AFFIRMATIVE ALL

APPOINTMENT TO HUMAN SERVICES COMMISSION

Ms. Maribel Carrion, a resident of 705-F West Main Street, requested appointment to the Human Services Commission.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL THAT MARIBEL CARRION BE APPOINTED TO THE HUMAN SERVICES COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT NANETTE AGOSTINO BE APPOINTED CHAIR OF THE HUMAN SERVICES COMMISSION AND THAT MARIBEL CARRION BE APPOINTED AS VICE-CHAIR. VOTE: AFFIRMATIVE ALL

SNOW AND ICE REMOVAL FROM PRIVATE STREETS, SIDEWALKS AND PARKING AREAS

The Board requested that this matter be placed on a future Board worksession for discussion.

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

J. Porto

Mayor