

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 16, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Hilliard Caldwell
	Frances Shetley
	Judith Wegner
	Jay Bryan
Town Manager	Robert W. Morgan
Deputy Town Clerk	Ellen G. Hughes
Town Attorney	Michael B. Brough

Absent:

Alderman	Tom Gurganus
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF FEBRUARY 9, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

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PENALTY FOR UNLEASHED, UNNEUTERED DOGS

Jackie Gist, a resident of 505 E. Poplar, requested that the penalty for having an unleashed, unneutered dog be a stronger penalty than for a neutered, unleashed dog.

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PROCLAMATION ISSUED

Mayor Kinnaird issued a proclamation proclaiming February as Black History Month in the Town of Carrboro.

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RECOMMENDATION FOR ALTERATION TO SEATON DENTAL OFFICE

Randall Oakley, the town's chief building inspector, stated that as required by N.C. General Statutes and the N.C. State Building Code, the building official must recommend exception to regulations prohibiting alteration of a Type VI structure located within a primary fire district. In addition, this recommendation must be approved by the Commissioner of Insurance. Such an exception is necessary to provide for alterations to the Seaton Dental Office located at 203 N. Greensboro Street.

Mr. Oakley stated that the Building Inspections Division recommended that alterations to the Seaton Dental Office be permitted based on the following:

1. There exists approximately 125 feet north, 200 feet east, 50 feet south and 125 feet west between this structure and any other adjacent buildings.

2. The Carrboro Fire Department indicates that 40 feet of separation on all sides of this structure would substantially exceed the area necessary to provide emergency services to this structure.

3. As submitted, the structural drawings indicate no more than a 15% alteration which will include interior non-load bearing partitioning only. The structural integrity of the building will not be affected by the proposed alteration.

4. Any construction erected, altered or repaired will be subject to the terms of the permit and inspected for compliance with all applicable state and local regulations. An automatic

smoke detection system is being recommended and the interior partitioning alterations are recommended to be constructed with non-combustible material.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE BOARD CONCUR WITH THE RECOMMENDATION OF THE BUILDING INSPECTIONS DEPARTMENT TO ALLOW ALTERATION OF THE SEATON DENTAL OFFICE. VOTE: AFFIRMATIVE ALL

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APPOINTMENT TO TRANSPORTATION ADVISORY BOARD

The Chair of the Transportation Advisory recommended the appointment of Kenneth Gibson of 509 N. Greensboro Street to the vacant seat on the Transportation Advisory Board.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT KENNETH GIBSON BE APPOINTED TO THE TRANSPORTATION ADVISORY BOARD. VOTE: AFFIRMATIVE ALL

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APPOINTMENT TO PLANNING BOARD

The Chair of the Planning Board recommended the appointment of Melva Okun of 302 Rainbow Drive to the vacant seat on the Planning Board.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT MELVA OKUN BE APPOINTED TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

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LOCATION OF CARR MILL BIKE PATH

Jim Dunlop, the town's transportation planner, stated that the town's consulting engineer had analyzed two routes for the bike path behind the Carr Mill Mall area to be constructed with 1984 bond funds. Alternate #1 runs around the perimeter of the Carr Mill Mall parking lot. Alternate #2 would run behind Carr Mill along the main railroad spur up to Parker Street, and then on Parker Street to connect to Greensboro Street. The estimated cost for Alternate #1 is \$80,000 and the estimate for Alternate #2 is \$62,000.

Mr. Dunlop stated that both the Transportation Advisory Board and the administration recommend Alternate #2.

Alderman Shetley stated that the Carrboro Bicyclist Network had met on February 15th and had recommended that the Parker Street route be approved.

Heidi Perry, a member of the Transportation Advisory Board and a member of the Carrboro Bicyclist Network, stated that both the Transportation Advisory Board and the Bicyclist Network recommended Alternate #2.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JUDITH WEGNER THAT ALTERNATE #2 BE APPROVED AND THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY-87-88 BUDGET ORDINANCE", BE ADOPTED, WHICH WOULD PROVIDE FOR THE EXPENDITURES OF THIS PROJECT. VOTE: AFFIRMATIVE ALL

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ADOPTION OF 1988 PLANNING RETREAT ACTION AGENDA

The administration requested adoption of the 1988 Planning Retreat Action Agenda.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE ACTION AGENDA BE ADOPTED. VOTE: AFFIRMATIVE ALL

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RESOLUTION ENDORSING CONCEPTUAL DESIGN AND ENVIRONMENTAL ASSESSMENT OF 54 BYPASS IMPROVEMENT PROJECT

The Board of Aldermen at its 1988 Planning Retreat requested that a resolution endorsing the conceptual design and environmental assessment of the proposed U.S. 15-501/NC 54 Bypass improvement project be considered by the Board of Aldermen.

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Randy Marshall.

A RESOLUTION ENDORSING THE CONCEPTUAL DESIGN AND ENVIRONMENTAL ASSESSMENT OF THE PROPOSED U.S. 15-501/N.C. 54 BYPASS IMPROVEMENT PROJECT  
Resolution No. 34/87-88

WHEREAS, representatives of the Town, the N.C. Department of Transportation, the Federal Highway Administration, and citizens at-large have met and discussed the project needs, scope, costs, and impacts; and

WHEREAS, all input has been evaluated in conjunction with formal engineering and environmental studies in reaching a decision concerning the recommended design; and

WHEREAS, the proposed design meets the most community-wide needs with the least negative impact of the alternatives studied.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. That the Board expresses its concern that the median ultimately designed be preserved as a landscaped and grassed area for a four lane divided parkway, and that the Board expresses its desire that this median not be reserved by the N.C. Department of Transportation for future use as additional traffic lanes.

Section 2. That the Board requests that final design include plans and specifications for landscaping in the median and along the project clearing limits to provide a buffer between the project and adjoining properties.

Section 3. That the Board requests that field stakes showing the construction and/or clearing limits necessary for this project be placed, at such time that the formal design is complete enough to make this possible.

Section 4. That the Board requests the N.C. Department of Transportation to include the Town of Carrboro in the review process as the final plans are developed.

Section 5. The Board herewith endorses the conceptual design and environmental assessment for the U.S. 15-501/N.C. 54 Bypass Improvement Project, as recommended by the N.C. Department of Transportation at its public hearing on November 30, 1987, which conceptual design includes a four-lane divided roadway, with a raised 24-foot wide landscaped median with appropriate left turn storage lanes, and four-foot wide paved shoulders along the outer lanes.

Section 6. 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 16th day of February, 1988:

Ayes: Randy Marshall, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan

Planning Board had not discussed the zoning for the Calvander area nor had it considered mixing the alternatives.

John Earnhardt asked where the jurisdictional lines would be, where the rural buffer would be located and what the density levels would be.

Regina Noblett requested that one-unit per acre be allowed.

Phil Post, representing the Highlands property owners, spoke in favor of Alternative #1. Mr. Post stated that Alternative #1 encourages extension of utility services into this area and stated that a zoning district should be included to allow for small businesses such as barber shops, etc.

Ken Merdin, a resident of Fox Meadow, stated that the residents of his subdivision were not interested in having utilities extended at this time. Mr. Merdin requested that he be put on the mailing list to receive information about joint planning.

Linda Brockwell Roberts, a resident of Calvander, stated that she and her family would agree to a 35-foot height restriction if their property at the corner of Homestead Road and 86 were zoned B-4. Ms. Roberts stated that they would like for this property to remain zoned commercial. Ms. Roberts stated that a previous survey of the property owners in the Calvander area revealed a request that this property allow one unit per acre with the exception of two property owners.

Jef, a Calvander property owner, asked when Carrboro would have sole jurisdiction for the land in the joint planning area. He also stated that the proposed plan does not plan for future land use activities and that his property and others in this area have deed restrictions. He suggested that the town review the deeds for this area to determine what land uses would be allowed.

Bill Hogan of Lake Hogan Farms, spoke in favor of Alternative #2, specifically in favor of R-10 zoning of his property.

Bob Hogan of Lake Hogan Farms, spoke in favor of R-10 zoning of their property.

MOTION WAS MADE BY JUDITH WEGNER 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 RANDY MARSHALL THAT ALTERNATIVE #1 BE RECOMMENDED TO THE COUNTY WITH A B-3-T ZONE THAT WOULD ALLOW SPECIFIED AUTO USES AND MOVE THE LINE TO THE POLITICAL LINE. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (BRYAN, GURGANUS, CALDWELL)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT ALTERNATIVE #3 BE RECOMMENDED TO THE COUNTY AND THAT THE CALVANDER INTERSECTION ON THE EAST SIDE BE ZONED B-3-T WITH THE HEIGHT LIMITATION CONFORMING TO THE EXISTING BUILDING AT THIS LOCATION AND THAT THE LINE NOT BE MOVED TO THE CENTER OF THE ROAD. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MARSHALL, KINNAIRD, WEGNER)

It was the consensus of the Board to place this matter on the March 1st agenda.

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PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENTS NECESSARY TO IMPLEMENT THE JOINT PLANNING AGREEMENT

Ann Weeks, the town's senior planner, stated that in order to implement the Joint Planning Agreement, the Carrboro Land Use

Ordinance must be amended to add members from the Transition Area to the Planning Board and Board of Adjustment. In addition, the alternative zoning schemes that are proposed for the Carrboro Transition Areas require text amendments to create a zoning district in which the maximum density is one unit per acre. Ms. Weeks stated that the proposed ordinances would make such amendments to the Land Use Ordinance, to become effective on the date when the Joint Planning Agreement becomes effective.

Robin Lackey, Chair of the Planning Board, stated that Planning Board recommended approval of the proposed amendment to the Land Use Ordinance to add members from the Carrboro joint planning transition area to the Planning Board and Board of Adjustment with the following revisions:

- a. Change the first word of the second sentence of subsection 15-21(a) to "Three";
- b. Delete the fourth sentence of subsection 15-21(a); and
- c. Delete the last sentence of subsection 15-21(b).

Ms. Lackey stated that the Planning Board had chosen not to make a recommendation on the amendment to the Land Use Ordinance to change the minimum lot size requirements in the R-R zone, but instead offered an advisory comment to the Board that the ordinance amendment appears to be a rezoning of the portions of three properties in the extraterritorial planning area that is currently zoned R-R and should be handled as such in terms of the required notification of property owners and the posting of the properties affected. In addition, that the Board should not take action on the ordinance amendment until such time as this has been done.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARRSHALL THAT THE PUBLIC HEARING ON THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE BY ADDING MEMBERS FROM THE CARRBORO JOINT PLANNING AREA TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT," BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PLANNING BOARD'S VERSION OF THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE BY ADDING MEMBERS FROM THE CARRBORO JOINT PLANNING TRANSITION AREA TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT," BE ADOPTED. VOTE: AFFIRMATIVE ALL

A SUBSTITUTE MOTION WAS MADE BY JAY BRYAN THAT THE PORTION OF THE PROPOSED ORDINANCE DEALING WITH THE BOARD OF ADJUSTMENT BE REFERRED TO THE BOARD OF ADJUSTMENT. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING ON THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CHANGE THE MINIMUM LOT SIZE REQUIREMENTS IN THE R-R ZONE," BE CONTINUED UNTIL APRIL 5, 1988. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to commend Ann Weeks for her time and good work in connection with the joint planning process.

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#### CANCELLATION OF MARCH 8TH BOARD MEETING

The administration requested the Board to decide whether to cancel the March 8, 1988 meeting of the Board of Aldermen due to the election primary scheduled for this date.

Noes: None

Absent or Excused: Tom Gurganus

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE BOARD ADJOURN TO WORKSESSION. VOTE: AFFIRMATIVE ALL

  
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Mayor

  
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Deputy Town Clerk