

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 15, 1988 at 7:30 p.m. in the Town Hall board room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Judith Wegner
	Jay Bryan
	Randy Marshall (arrived at 9:00 p.m.)
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF FEBRUARY 23, 1988 BE APPROVED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

The Board requested changes be made to the minutes of March 1, 1988 and be brought back before the Board for approval on March 22, 1988.

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#### PROCLAMATIONS ISSUED

Mayor Kinnaird issued the following proclamations:

- a. Mental Retardation Month - March, 1988
- b. American Cancer Society Daffodil Days - March 17-19, 1988
- c. Freedom of Information Day - March 16, 1988
- d. School Social Worker's Day - March 14-18, 1988

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#### REQUEST FOR LEASH LAW AT TOWN PARKS

Richard Ellington, a resident of 109 Bruton Drive, requested the Board reconsider the issue of a leash law in town parks.

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#### REQUESTS TO SET PUBLIC HEARINGS

##### (1) Community Development Block Grant

The N.C. Department of Natural Resources and Community Development requires communities to hold two public hearings as part of the Community Development Block Grant application process. The first public hearing will be held to obtain community revitalization requests and the second public hearing will be held to present the Community Development Block Grant package to citizens for comments and recommendations.

The administration requested that public hearings be set for April 12 and May 3, 1988.

##### (2) Voluntary Annexation Request/Weatherhill Pointe, Phases I and II

Wells Management Group has submitted a petition requesting the annexation of Weatherhill Pointe, Phases I and II. This subdivision is contiguous to the town limits and is located east of Westbrook Drive at the intersection of Westbrook and Berryhill Drive and contains 7.722 acres and 31 dwelling units.

The administration recommended that the annexation petition be accepted and adopt a resolution which sets a public hearing for April 5, 1988

- (3) Rezoning of Properties North of Carrboro in Accordance with Joint Planning Transition Area Zoning Alternative #3

On March 1, 1988, the Board of Aldermen recommended a Joint Planning Transition Area zoning scheme for consideration at the April 13, 1988 Joint Planning Joint Public Hearing. The recommended zoning alternative includes a rezoning to R-20 of several properties in the town's extraterritorial planning jurisdiction between the town limits and Transition Area I as well as several properties currently zoned R-R located within the town limits.

The administration requested that a public hearing be set for April 5, 1988.

- (4) Land Use Ordinance Text Amendments to Change the Minimum Lot Size Requirements Under the R-R Zone to One Acre and Create a B-3T Zone

Implementation of the Joint Planning Transition Area zoning scheme recommended by the Board of Aldermen requires several Land Use Ordinance amendments. First, the minimum lot size requirement in the R-R zone would need to be amended to require one acre minimum lot sizes and second, the B-3-T zone would need to be created.

The administration requested that a public hearing be set for April 5, 1988 to receive citizen comments on the proposed amendments.

- (5) Land Use Ordinance Text Amendment to Clarify that the Provisions Limiting Proximity of One Intersection to Another Shall Not Act to Prohibit Access from a Property to a Public Street

Section 15-218 of the Land Use Ordinance regulates the location of new intersections. The current ordinance limits the distance between streets that intersect at a jog to 150 feet or more. This section also limits the distance between an intersection and an existing intersection along the same side of a street to 500 feet or more. The proposed amendment would add a provision to allow the permit-issuing authority the ability to allow the minimum deviation from these requirements so that the section would not prohibit access to any property from a public street.

The administration requested that a public hearing be set for April 12, 1988 to receive citizen comments on the proposed ordinance.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE REQUESTED PUBLIC HEARINGS BE SET ON ITEMS (1) - (4).  
VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT A PUBLIC HEARING BE SET FOR APRIL 12, 1988 ON ITEM (5).  
VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Tom Gurganus.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE  
ANNEXATION OF WEATHERHILL POINTE, PHASES I AND II  
UPON THE REQUEST OF THE PROPERTY OWNERS  
Resolution No. 41/87-88

WHEREAS, the Town of Carrboro has received a petition from the owners of Weatherhill Pointe, Phases I and II 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 April 5, 1988 to consider the voluntary annexation of Weatherhill Pointe, Phases I and II.

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 15th day of March, 1988:

Ayes: Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan

Noes: None

Absent or Excused: Randy Marshall

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CONDITIONAL USE PERMIT MODIFICATION REQUEST/COBBLESTONE SUBDIVISION

Amy Parker, the town's development coordinator, stated that Allenton Realtors have applied for a conditional use permit modification that would allow the addition of a requested sewer easement to previously approved plans for the Cobblestone Subdivision located off of Hillsborough Road. The parcel is identified as Tax Map 108, Lots 8 and 8A and is zoned R-R and R-20. The Board of Aldermen granted a conditional use permit for this development on January 1, 1985.

Ms. Parker stated that the administration recommended denial of the modification due to the resulting violation of Section 15-198(c) of the Land Use Ordinance.

John Greene, representing OWASA, stated that the requested sewer easement will provide service to properties adjacent to Cobblestone and would adversely impact Carrboro's orderly urban growth and development.

Randy Smith, representing Allenton Realtors, stated that OWASA was requiring this easement on the plans without any input from the developers and that it was putting the developers in an awkward position over a policy decision between the town and OWASA.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT A DECISION ON THIS MATTER BE DELAYED UNTIL THE MARCH 22ND MEETING OF THE BOARD OF ALDERMEN. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

It was the consensus of the Board to request the administration to prepare an amendment to the Land Use Ordinance to ensure OWASA input for all developments at the site plan stage.

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FINAL PLAT APPROVAL REQUEST/FAIROAKS, PHASES 1A AND 1B

Amy Parker, the town's development coordinator, stated that the Westminster Company had requested final plat approval for Phases 1A and 1B of the Fair Oaks Subdivision located on Hillsborough Road. The Board of Aldermen granted a conditional use permit for this development on February 6, 1985.

Ms. Parker stated that the administration recommended approval of the final plat.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE FINAL PLAT BE APPROVED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

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FINAL PLAT APPROVAL REQUEST/RICHARDSON PROPERTY

Amy Parker, the town's development coordinator, stated that Jon Richardson had requested final plat approval for the Richardson Property located on Smith Level Road (Tax Map 122, Block A, Lot 10A). The Board of Adjustment granted a special use permit for this property on December 2, 1987.

Ms. Parker stated that the administration recommended approval of the final plat with the following conditions:

1) That payment in the amount of \$6,271.40 for active recreation facilities be made prior to recording of the plat.

2) That performance security in the amount of \$66,434.00 be posted prior to recording of the plat to cover incomplete road and drainage facilities. The posted security shall have an expiration date not to exceed six months from the date of this approval.

3) That the sewer easement indicated on the plat be deleted prior to recording of the plat.

4) That prior to issuance of building permits, a plot plan shall be submitted to the Zoning Division indicating the location of the secondary septic area (in accordance with the required Orange County Health Department Improvements Permit). Notation shall be included on the plans which indicate that the designated secondary septic area must remain undisturbed and reserved by present and future owners for use in the event of primary site malfunction.

(Alderman Marshall arrived at the meeting.)

John Greene, representing OWASA, stated that OWASA would support retention of the condition to require the developer to provide a 30-foot utility easement for the possible extension of sewer into and through the development.

Greg Shepard, representing the developer, stated that this property can be served by sewer by placing the sewer in the street, having pump station that would pump the sewer from the six lots back out to Smith Level and down to the gravity line.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE FINAL PLAT BE APPROVED WITH THE FOLLOWING CONDITIONS:

1) That payment in the amount of \$6,271.40 for active recreation facilities be made prior to recording of the plat.

2) That performance security in the amount of \$66,434.00 be posted prior to recording of the plat to cover incomplete road and drainage facilities. The posted security shall have an expiration date not to exceed six months from the date of this approval.

3) That prior to issuance of building permits, a plot plan shall be submitted to the Zoning Division indicating the location of the secondary septic area (in accordance with the required Orange County Health Department Improvements Permit). Notation shall be included on the plans which indicate that the designated secondary septic area must remain undisturbed and reserved by present and future owners for use in the event of primary site malfunction.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (MAYOR KINNAIRD)

It was the consensus of the Board to request the Town Manager to send a letter to Orange County addressing erosion control issues raised by OWASA.

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APPOINTMENTS TO ADVISORY BOARDS

The following terms on the town's advisory boards expired in February, 1988:

Board of Adjustment

Dennis Frye  
Steve Williams  
Jacquelyn Gist

Planning Board

Diana Woolley  
Robin Lackey  
Toy Cheek

Appearance Commission

Dan Leonard  
Ann Leonard  
Mary Jane Baker

Transportation Advisory Board

Steve Oglesbee  
Dazzie Lane

Parks & Recreation Com.

Doris Murrell  
Dave Griffiths  
David Eierman

Cable T.V. Committee

Jacques Menache

Human Services Commission

Charles Weaver

Cemetery Commission

Cleo Perry

Downtown Development Com.

Tony Hennessey  
Johanna Snyder

These positions were advertised and letters were sent to the people currently serving in these seats. Favorable responses were received from all those currently serving with the exception of Steve Williams on the Board of Adjustment who has moved to Chapel Hill. The Chairs were notified and all wished to have the people currently serving re-appointed with the exception of Charles Weaver on the Human Services Commission. Mr. Weaver was not recommended for re-appointment due to his failure to attend meetings. The Chair of the Board of Adjustment recommended that Will Ward be moved into the seat vacated by Steve Williams in order to facilitate a vacancy for a transition area resident in accordance with the recently adopted Land Use Ordinance amendment.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE FOLLOWING APPOINTMENTS BE MADE:

Appearance Commission                      Transportation Advisory Board

Dan Leonard  
Ann Leonard  
Mary Jane Baker

Steve Oglesbee  
Dazzie Lane

Parks & Recreation Com.

Cable T.V. Committee

Doris Murrell  
Dave Griffiths  
David Eierman

Jacques Menache

Planning Board

Cemetery Commission

Diana Woolley  
Robin Lackey  
Toy Cheek

Cleo Perry

Downtown Development Com.

Tony Hennessey  
Johanna Snyder

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE RECOMMENDATION OF THE CHAIR OF THE HUMAN SERVICES COMMISSION BE ACCEPTED, WHICH WAS NOT TO RE-APPOINT CHARLES WEAVER. IN ADDITION, THAT WILL WARD BE MOVED INTO THE IN-TOWN SEAT VACATED BY STEVE WILLIAMS ON THE BOARD OF ADJUSTMENT, AND THAT DENNIS FRYE AND JACQUELYN GIST BE RE-APPOINTED TO THE BOARD OF ADJUSTMENT. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Jay Bryan.

A RESOLUTION REQUESTING AN APPOINTMENT TO THE  
EXTRATERRITORIAL SEAT ON THE CARRBORO PLANNING BOARD  
Resolution No. 42/87-88

WHEREAS, as a result of the expiration of a term, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's extraterritorial planning jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint Mr. Toy Cheek, Route 11, Box 292, Chapel Hill, N.C. 27514, to the out-of-town seat expiring in February, 1991. This request is made at this time because this term expired on January 31, 1988.

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 15th day of March, 1988:

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

Noes: None

Absent or Excused: None

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BUDGET AMENDMENT/LEGAL SERVICES

The town's agreement with the Town Attorney provides that a refund is due the town if the work load of the Town Attorney falls below 90% of the contracted amount and the town pays in excess of the contracted amount if the Town Attorney's work load exceeds 110% of the contracted amount. The Town Attorney has submitted a request for payment for amounts over 110% for Quarter I in the amount of \$2,406 and Quarter II in the amount of \$10,277. The administration recommended adoption of the budget ordinance amendment to cover these over-runs.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'87-88 BUDGET ORDINANCE", BE ADOPTED. VOTE: AFFIRMATIVE ALL

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REPRINT OF HISTORICAL INVENTORY

At the 1988 Planning Retreat, the Board requested that an item be placed on the action agenda to consider reprinting the Historical Inventory of Carrboro. The town's purchasing officer has looked into this matter and has indicated that having 1,000 additional copies of the publication printed will cost \$2,502.

The administration requested that the Board decide whether it wished to have the publication reprinted.

It was the consensus of the Board to request the administration to bring this matter back before the Board in conjunction with requested that the administration review the publication for necessary updates.

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

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 Mayor

  
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 Town Clerk