

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 5, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT THE MINUTES OF MARCH 22, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUESTS TO SET PUBLIC HHEARINGS

- (1) Joint Public Hearing on Amendments to the Orange County Land Use Plan and Zoning Ordinance Pursuant to Implementation of the Joint Planning Agreement

The administration recommended that the Board of Aldermen set a special meeting for the Board's participation in the joint public hearing with the Orange County Commissioners and Chapel Hill Town Council on April 13, 1988. The proposed location of the hearing is the auditorium of the Culbreth Junior High School.

- (2) Land Use Ordinance Text Amendment to Prohibit Watershed Developments Containing More than Four Lots or Dwelling Units Served by Septic Tanks

At the direction of the Board of Aldermen, the Town Attorney has prepared an amendment to the Land Use Ordinance that would prohibit approval of developments containing more than four units or lots within the University Lake Watershed if the proposed means of sewage disposal involves use of septic tanks or other individual ground absorption sewage treatment systems.

The administration recommended that a public hearing be scheduled for April 19, 1988 to receive citizens comments on the proposed ordinance.

- (3) Land Use Ordinance Text Amendment to Require that OWASA's Certification of Availability of Water and Sewer Services Includes Descriptions of Required Easements

At the direction of the Board of Aldermen, the Town Attorney has prepared an amendment to the Land Use Ordinance that would require OWASA to identify all easements which they will require of a developer at the time of certification of water and sewer availability.

The administration recommended that a public hearing be scheduled for April 19, 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. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CREATE A B-3-T ZONE

Ann Weeks, the town's planner, stated that this was a public hearing to receive citizen comments on proposed amendments to the Land Use Ordinance to create a B-3-T zone, as part of the joint planning transition area zoning scheme.

Ms. Weeks stated that the Planning Board had unanimously recommended approval of the proposed amendment.

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

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CREATE A B-3-T (TRANSITION AREA BUSINESS) ZONE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE TEXT AMENDMENT CHANGING THE MINIMUM LOT SIZE REQUIREMENTS IN THE R-R ZONE

Ann Weeks, the town's planner, stated that this was a public hearing to receive citizen comments on a proposed amendment to the Land Use Ordinance changing the minimum lot requirements in the R-R zone to 43,560 square feet per dwelling unit or 20,000 square feet per dwelling unit in a clustered subdivision.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance as written.

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 TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CHANGE THE MINIMUM LOT SIZE REQUIREMENTS IN THE R-R (RURAL RESIDENTIAL) ZONE," BE ADOPTED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/ZONING MAP AMENDMENTS TO REZONE R-R PROPERTIES TO R-20 AND OTHER ETJ PROPERTIES FROM R-3 AND R-SIR TO R-20

Ann Weeks, the town's planner, stated that this was a public hearing to receive citizen comments on proposed amendments to the official zoning map to rezone all R-R properties (Tax Map 30, Lots 2A and 4 [P.H. Craig Property], Tax Map 29, Lot 1B [partial], Tax Map 108, Lot 1, Tax Map 108, Block M, Lots 1-26 and Tax Map 108, Lots 1, 7 and 9-18 [Cobblestone Subdivision] to R-20 and the rezoning of one portion of a property (Tax Map 29, Lot 1B [partial] from R-3 to R-20 and the rezoning of two properties (Tax Map 30, Lots 2A and 4) from R-SIR to R-20.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed rezonings.

Grainger Barrett, representing P.H. Craig, requested that Mr. Craig's property located on Tax Map 30, Lots 2A and 4 be considered as part of the proposed rezoning of properties to R-SIR.

P.H. Craig stated that he has no plans for development of his property, which he has owned for 21 years, and takes issue with the town staff that the natural constraints located on his property make the current high density zoning less desirable than

the R-20 zone. Mr. Craig stated that he felt like development of his property would not create any traffic problems. Mr. Craig requested that his property remain zoned R-SIR.

MOTION WAS MADE BY JUDITH WEGNER 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 JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT CONSIDERATION OF THE P.H. CRAIG PROPERTY BE DEFERRED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE PROPERTIES GENERALLY NORTH OF CARRBORO FROM R-R (RURAL RESIDENTIAL) TO R-20 (RESIDENTIAL, 20,000 SQUARE FOOT MINIMUM LOT SIZE); R-3 (RESIDENTIAL 3,000 SQUARE FOOT MINIMUM LOT SIZE) TO R-20 (RESIDENTIAL, 20,000 SQUARE FOOT MINIMUM LOT SIZE); IN ACCORDANCE WITH JOINT PLANNING TRANSITION AREA ZONING ALTERNATIVE NUMBER THREE)," BE ADOPTED, WITH THE EXCEPTION OF SECTION 2 (P.H. CRAIG PROPERTY). VOTE: AFFIRMATIVE ALL

ZONING MAP AMENDMENT TO REZONE R-SIR AND R-SIR-2 PROPERTIES TO R-10

Ann Weeks, the town's planner, stated that this was a public hearing to receive citizen comments on a proposed zoning map amendment to rezone all R-SIR and R-SIR-2 properties located in the Town of Carrboro to R-10. These properties are generally located as follows: three properties at the northeast corner of the intersection of N.C. Route 54 and Old Fayetteville Road, in the north area of Carrboro near Bolin Creek, and an area located generally west of Smith Level Road, north and east of Ray Road and south of the Weatherhill development and Morgan Creek. [See Town Clerk's file of this meeting for a complete list of properties.]

Robin Lackey, Chair of the Planning Board, stated that she had not been present at the Planning Board meeting when this matter was discussed, but that the Planning Board recommended approval of the proposed rezonings based on the information provided by the town staff that there were not that many non-conforming uses.

Steve Chandler, a member of the Planning Board, stated that the Planning Board had tried to address the issues of protecting undeveloped properties and not create problems for people who would be put into non-conforming uses. The Planning Board was lead to believe that because of the peculiarities having to do with integrated developments, etc. there would be few if any people put into a non-conforming situation by the rezoning. The Planning Board expressed a since of urgency in regard to the undeveloped properties by adoption of the proposed rezoning, but the Planning Board has not offered sound advice as far as what to do about the people who are going to be inconvenienced by the rezoning.

Jake Gardner, a resident of North Greensboro Street, expressed concern about density.

Bob Epting, representing Harlan Properties, owners of Rock Creek Apartments, stated that his clients had not received notice about the proposed rezoning and requested continuation of the public hearing in order to allow the filing of a protest petition.

Robin Lackey, speaking as a private citizen, and a resident of Forest Court townhouses, stated that the rezoning would make it difficult to obtain home loans on this property. Ms. Lackey stated that she had spoken with Eddie Mann of Orange Federal Savings & Loan and was told that loan would probably not be made on non-conforming property. Ms. Lackey stated that the residents

of Forest Court are very upset and question the legal authority to rezone developed areas.

Carl Blackley, representing Westminister Company, developers of Fair Oaks, stated that it will place a hardship on his company to have a change in zoning of their property. Mr. Blackley requested that the Fair Oaks property be left out of the rezoning proposal.

Steve Chandler, speaking as a private citizen, and president of the Mt. Carmel Springs Homeowners' Association, stated that they appreciate consideration of rezoning.

Phillip Culpepper, president of Forest Court Homeowners' Association, stated that if the rezoning is passed, it would be challenged. Mr. Culpepper requested that the existing developed properties be removed from the rezoning proposal.

Grainger Barrett, representing P.H. Craig Properties, estate of the Margaret Johnston heirs (Berryhill property), stated they they would accept R-7.5 or R-SIR-II zoning.

P.H. Craig asked for flexibility in the case of future development.

Shorty Pendergrass, owner of property on Smith Level Road, stated that he had sold property to Rock Creek and currently owns 4+ acres adjoining that property. Mr. Pendergrass requested that his property not be rezoned.

Levi Green, representing Mrs. Leola Durham who owns property near The Villages Apartments, stated that Mrs. Durham is in the process of selling her property and feels that if her property is rezoned to R-10, would not be purchased. Mr. Green requested that Mrs. Durham's property not be rezoned.

Bob Epting asked the Board to consider leaving developed property out of the proposed rezoning or zone it to R-SIR-II.

Mayor Kinnaird read into the record letters from Barbara Ford Glover, owner of property on Smith Level Road speaking against the proposed rezoning of her property, from Allen Spalt, a resident of James Street, speaking in favor of rezoning the R-SIR areas which can permit a density of up to 15 units per acre although R-10 may not be the best choice for all of them. Mr. Spalt's letter requested that the parcels fronting on James Street be zoned R-20. In addition, Mayor Kinnaird read a letter from Pearl Epton speaking against the rezoning of the R.S. Lloyd property in the area of James Street.

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

MOTION WAS MADE BY RANDY MARSHALL THAT THE PROPOSED ORDINANCE BE ADOPTED, DELETING THE FULLY DEVELOPED TRACTS DESCRIBED IN MAPS A AND B, SPECIFICALLY, BOLIN FOREST, HIGHLAND HILLS, ROCK CREEK APARTMENT, THE VILLAGES, FAIROAKS [INCLUDING FUTURE PHASES], SPRING VALLEY, CHAPEL HILL TENNIS CLUB AND WEATHERHILL POINT.
(Motion and second withdrawn)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE TOWN ATTORNEY BE REQUESTED TO MODIFY THE PROPOSED ORDINANCE TO EXCLUDE ALL DEVELOPED PROPERTIES OR PROPERTIES WITH ACTIVE PERMITS (HIGHLAND HILLS, THE VILLAGES, ROCK CREEK, SPRING VALLEY, BOLIN FOREST, FAIROAKS AND ALL FUTURE PHASES, WEATHERHILL POINTE AND CHAPEL HILL TENNIS CLUB. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE P.H. CRAIG PROPERTY BE INCLUDED IN THE ITEMS TO BE CONSIDERED IN THE R-10 REZONING PROPOSAL ON APRIL 12, 1988.
VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (KINNAIRD, SHETLEY)

ENVIRONMENTAL IMPACT ORDINANCE

At the 1988 Board Planning Retreat, the Board requested that the Town Attorney modify the Orange County draft environmental impact statement to make it applicable to the Town of Carrboro. The Town Attorney has prepared that ordinance for the Board's consideration.

It was the consensus of the Board to consider this matter at its April 12, 1988 meeting.

SALE OF SURPLUS TOWN PROPERTY

The administration recommended adoption of a resolution declaring two (2) town vehicles as surplus property and authorizing the sale of these vehicles by sealed bid.

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

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY
Resolution No. 43/87-88

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The following items of personal property are found to be surplus and the Town Manager shall undertake to sell these items by seeking sealed bids in accordance with G.S. 160A-268:

		<u>Minimum Bid</u>
Car #133	1983 Plymouth 2P3BB2641DR158092	\$200.00
Car FD-1	1978 Dodge NL41L8F189639	\$100.00

Section 2. The Town Clerk shall publish a notice of the town's intent to receive sealed bids for the purchase of the items of personal property described in Section 1 in The Chapel Hill Newspaper at least ten days prior to the date of the bid opening.

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 5th day of April, 1988:

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

Noes: None

Absent or Excused: None

APPOINTMENT TO ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION

The town has received a letter from Johanna Snyder, of Snyder Gallery, expressing interest in serving as the town's representative on the Orange County Economic Development Commission. The administration recommended that Ms. Snyder's name be submitted to the Orange County Commissioners for appointment.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT JOHANNA SNYDER BE RECOMMENDED TO THE ORANGE COUNTY COMMISSIONERS FOR APPOINTMENT AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

QUESTIONS TO BE ADDRESSED TO OWASA REPRESENTATIVES

It was requested that Board members submit questions to be addressed to the town's representatives on the OWASA Board to the Town Manager, in addition to this matter being placed on the April 12, 1988 agenda.

There being no further business, the meeting was adjourned.



Mayor



Deputy Town Clerk