

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 11, 1989 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 Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE MINUTES OF APRIL 4, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/BUCK-VAUGHN ENTERPRISES

Dail Dixon, representing Buck-Vaughn Enterprises, has applied for a conditional use permit that would allow the construction of two office/retail structures. The property is located on the south side of Weaver Street between Weaver and East Main Streets and is identified as Tax Map 98, Block N, Lots 12, 13 and 15.

The administration recommended that a public hearing be set for May 16, 1989.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING BE SET FOR MAY 16, 1989. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/PTA THRIFT SHOP

Dail Dixon, representing the PTA Thrift Shop of Carrboro, has applied for a conditional use permit that would allow the construction of a storage addition, site re-design and additional parking. The property is located at 103 Jones Ferry Road and is zoned B-1-G. The parcel is identified as Tax Map 98, Lots A-12 and A-13 and B-1.

The administration recommended that a public hearing be set for May 16, 1989.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR MAY 16, 1989. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO PERMIT HOME OCCUPATIONS IN THE CORPORATE TOWN ZONE

Ann Weeks, Senior Planner, stated that on February 21, 1989, a citizen requested that the town consider an amendment to the Land Use Ordinance to permit home occupations in the Corporate Town zone. The town staff has reviewed the request and has prepared an ordinance amendment. Ms. Weeks stated that the administration recommended adoption of the ordinance permitting home occupations in the CT zone with a special use permit.

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

Nancy Zaffron, the citizen who requested the amendment, thanked the Board for its consideration in this matter.

MOTION WAS MADE BY JAY BRYAN 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 JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PERMIT HOME OCCUPATIONS IN THE CT (CORPORATE TOWN) DISTRICT," BE ADOPTED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/WILLOW SPRINGS NURSING HOME

Andrew McDougald has applied for a conditional use permit that would allow the construction of a 120-bed nursing home facility for the aged to be located at the northeast corner of Jones Ferry Road and Old Fayetteville Road. The parcel is identified as Tax Map 114, Lot 16 and is Zoned R-3.

Helen Waldrop, Zoning Administrator, was sworn in. Ms. Waldrop explained the site plan and presented slide of the existing site. Ms. Waldrop stated that the Appearance Commission recommended approval of the conditional use permit with the following conditions:

1. That consideration be given to a facade design which would use alternating facade materials to lessen the institutional appearance of the facility, especially along the side of the building which faces Jones Ferry Road.

2. That foundation plants for the Old Fayetteville Road side of the building shall be a selection of species with varying heights.

3. That due to their short life span and susceptibility to Fire Blight, the proposed pear trees shall be replaced with larger shade trees such as oaks or maples.

4. That the number of dogwood trees shall be increased and additional redbud trees shall be planted in the landscape areas along Old Fayetteville Road.

Robin Lackey, Chair of the Planning Board, was sworn in. Ms. Lackey stated that the Planning Board recommended that the entrance/exit be relocated to the southeast corner of the property, adjacent to the property line with the newly created lot, and that the applicant grant an access easement across that access drive to the owner of the adjoining property (provided that the Board of Aldermen lower the speed limit to 20 miles per hour on Jones Ferry Road between Old Fayetteville Road and NC 54 Bypass. Ms. Lackey stated that the Planning Board requested that the Board of Aldermen insist that the N.C. Department of Transportation do a new study of the traffic situation at the intersection of Jones Ferry Road and Old Fayetteville Road, given that there has been development completed and proposed on either side of Jones Ferry Road that should be taken into consideration; and with the intent to investigate putting a stoplight at the intersection.

Robbie Bell, engineer for the project, was sworn in. Mr. Bell requested that they not be required to move the driveway east of the proposed location due to decreased sight distance problems which would be created. Mr. Bell stated that a left turn lane will be installed along Jones Ferry Road.

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that if the Board required the developer to move the driveway to Old Fayetteville Road, the developer would be

required to revise his plans and have them reviewed. In addition, if the developer were required to move his driveway to Old Fayetteville Road, additional curb and gutter would be required along with widening of Old Fayetteville Road.

Ben Keel, the developer's architect, was sworn in. Mr. Keel stated that they will use traditional architecture with a residential look for the building facade. Mr. Keel stated that the developer was not asked by the town nor D.O.T. to install a sidewalk along Jones Ferry Road.

Jim Dunlop, the town's Transportation Planner, was sworn in. Mr. Dunlop stated that a sidewalk was not required for this development because there is not an existing sidewalk to connect to and there is currently a sidewalk along the south side of Jones Ferry Road adjacent to this property. The proposed driveway seems to be better due to the sight distance problems on Jones Ferry Road. Mr. Dunlop stated that reduction in speeds would be beneficial, but realistically probably would not reduce speeds.

Andrew McDougald, developer, was sworn in. Mr. McDougald stated that they will provide domiciliary care for the residents of the nursing home. Mr. McDougald stated that alarms will be placed on outside doors so they will know will residents are leaving. Shift changes will occur at 6:00 a.m., 2:00 p.m. and 10:00 p.m.

Diana Woolly, a resident of Woodbridge I and a member of the Planning Board, asked that the Board please request D.O.T. to perform a traffic study at the intersection of Old Fayetteville and Jones Ferry Road to determine if a traffic signal is

warranted, requested that the speed limit be lowered on Jones Ferry Road, and pointed out that seven additional driveways could be located on this stretch of Jones Ferry Road.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN 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 the proposed subdivision be filed in the Orange County Land Records Office prior to issuance of the conditional use permit;

4. That a drainage easement be established across the adjacent property to accommodate stormwater flows from the site prior to construction plan approval. The applicant shall be responsible for the implementation of any stormwater management improvements deemed necessary by the Town Engineer to accommodate increased flows resulting from construction of the facility within the easement area.

5. The Carrboro Fire Chief shall approve locations of all fire hydrants and fire lanes prior to construction plan approval. Fire hydrants shall be installed and operational prior to commencement of construction of the building. The Fire Chief shall be given the opportunity to review any proposed plans for sprinkler systems and/or smoke detection systems prior to issuance of the building permits.

6. That large trees shall not be located within any existing or proposed sewer easement areas indicated on the plans.

7. That the applicant shall establish a sewer easement on the adjacent property to accommodate the proposed sewer tie-in to the existing line at the northeast corner of the property.

8. That the developer shall petition for voluntary annexation to the Town of Carrboro no later than 30 days from the date of issuance of the conditional use permit.

9. That consideration be given to a facade design which would use alternating facade materials to lessen the institutional appearance of the facility, especially along the side of the building which faces Jones Ferry Road.

10. That foundation plants for the Old Fayetteville Road side of the building shall be a selection of species with varying heights.

11. That due to their short life span and susceptibility to Fire Blight, the proposed pear trees shall be replaced with larger shade trees such as oaks or maples.

12. That the number of dogwood trees shall be increased and additional redbud trees shall be planted in the landscape areas along Old Fayetteville Road.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS THAT THE ENTRANCE BE PLACED ON OLD FAYETTEVILLE ROAD AND THAT SIDEWALKS BE REQUIRED ALONG THIS PROPERTY ON OLD FAYETTEVILLE AND JONES FERRY ROADS. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JAY BRYAN THAT THE ENTRANCE/EXIT BE RELOCATED TO THE SOUTHEAST CORNER OF THE PROPERTY, ADJACENT TO THE PROPERTY LINE WITH THE NEWLY CREATED LOT, AND THAT THE APPLICANT GRANT AN ACCESS EASEMENT ACROSS THAT ACCESS DRIVE TO THE OWNER OF THE ADJOINING PROPERTY; PROVIDED THAT THE BOARD OF ALDERMEN LOWER THE SPEED LIMIT TO 20 MILES PER HOUR ON JONES FERRY ROAD BETWEEN OLD FAYETTEVILLE ROAD AND THE NC 54 BYPASS. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY TOM GURGANUS THAT THE ENTRANCE BE RELOCATED TO OLD FAYETTEVILLE ROAD. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (MARSHALL, CALDWELL, WEGNER) (A SECOND VOTE ON THIS MOTION RESULTED IN THE FOLLOWING VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (KINNAIRD, CALDWELL, MARSHALL, WEGNER)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE CONDITIONAL USE PERMIT BE GRANTED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

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

A RESOLUTION REQUESTING THE N.C. DEPARTMENT OF TRANSPORTATION TO CONSIDER PLACING A TRAFFIC SIGNAL AT THE INTERSECTION OF JONES FERRY AND OLD FAYETTEVILLE ROADS ALONG WITH CONSIDERATION OF ADDITIONAL SAFETY IMPROVEMENTS
Resolution No. 42/88-89

WHEREAS, there are currently significant traffic problems on Jones Ferry Road between Old Fayetteville Road and 54 Bypass; and

WHEREAS, there is difficulty in sight distance on this stretch of Jones Ferry Road; and

WHEREAS, future developments in this area are likely to increase traffic hazards; and

WHEREAS, the town's citizen advisory boards and the Board of Aldermen believe that the town's citizens should not have to wait for future personal injuries before action is taken to remedy the situation.

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

Section 1. The Board of Aldermen strongly urges the N.C. Department of Transportation to:

- a. Review the safety of the current signalization at the intersection of Jones Ferry and Old Fayetteville Roads;
- b. Place high priority on the placement of a stop light at the intersection of Jones Ferry and Old Fayetteville Roads;
- c. Carefully review any additional requests for driveway access on Jones Ferry Road between 54 Bypass and Old Fayetteville Road; and
- d. Review the topography of Jones Ferry Road near the Old Fayetteville Road intersection to determine whether the line of sight can be improved and specifically to consider whether there could be regrading that would reach that result.

Section 2. 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 11th day of April, 1989:

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

Noes: None

Absent or Excused: None

REQUEST FOR EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE BOARD GO INTO EXECUTIVE SESSION. VOTE: AFFIRMATIVE ALL

REQUEST FOR FINAL PLAT APPROVAL/QUARTERPATH TRACE

Helen Waldrop, Zoning Administrator, stated that Steve Riddle of R.W. Ventures, had requested final plat approval for Phase I of the Quarterpath Trace Subdivision.

Ms. Waldrop stated that the administration recommended approval with conditions.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT FINAL PLAT APPROVAL FOR PHASE I OF THE QUARTERPATH TRACE SUBDIVISION BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. That performance security shall be submitted to the town for the incomplete street and utility improvements prior to the signing of the plat by the town. The amount of the security shall be approved by the Public Works Director and the Town Engineer.

2. That prior to the signing of the plat by the town, the applicant shall be required to submit payment in lieu in the amount of \$41,467.94 for deficient active recreation facilities.

3. That no portion of the sign easement shall be located within any street right-of-way.

VOTE: AFFIRMATIVE ALL

RE-EXAMINATION OF TEMPORARY BAN ON ALTERNATIVE SEWAGE TREATMENT SYSTEMS IN THE UNIVERSITY LAKE WATERSHED

Ann Weeks, Senior Planner, stated that in June of 1988, when the Board of Aldermen adopted a temporary ban on sewage treatment systems other than OWASA in the University Lake Watershed for developments of four units or more, it was stipulated that the ban be re-examined upon completion of the OWASA University Lake Watershed Study, or in April 1989 at the latest.

Ms. Weeks stated that the administration recommended that the Board keep the restrictions on the use of alternative sewage treatment systems in the watershed in place until permanent changes are made to the Land Use Ordinance.

Mike Brough suggested that the Board place a date on the temporary ban.

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

A RESOLUTION EXTENDING THE TEMPORARY RESTRICTIONS ON SEWAGE TREATMENT SYSTEMS OTHER THAN THE OWASA SYSTEM FOR DEVELOPMENT OF MORE THAN FOUR UNITS OR LOTS IN THE UNIVERSITY LAKE WATERSHED
Resolution No. 45/88-89

WHEREAS, the Board of Aldermen has reviewed the ordinance entitled, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO TEMPORARILY PROHIBIT DEVELOPMENTS IN THE WATERSHED THAT CONTAIN MORE THAN FOUR LOTS OR DWELLING UNITS AND ARE SERVED BY SEWAGE TREATMENT SYSTEMS OTHER THAN THE OWASA SEWAGE TREATMENT SYSTEM," originally adopted by the Board of Aldermen on June 21, 1988.

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

Section 1. The Board hereby extends the application of the ordinance adopted on June 21, 1988.

Section 2. The Board will re-examine this ordinance at such time as the OWASA Study of the University Lake Watershed is implemented by the Town of Carrboro or by January 1, 1990, whichever occurs first.

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 11th day of April, 1989:

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

Noes: None

Absent or Excused: None

REQUEST TO SET SPECIAL BOARD WORKSESSION

The administration requested that a special worksession of the Board of Aldermen be set for April 15, 1989, beginning at 8:30 a.m. in the Orange County Courthouse to allow Board members to attend the Orange County Assembly of Governments meeting.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT A SPECIAL WORKSESSION BE SET FOR 8:30 A.M. ON APRIL 15, 1989 IN THE ORANGE COUNTY COURTHOUSE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL

Sarah C. Williamson
Town Clerk

Dean J. Kinard
Mayor