

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 23, 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 W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF MAY 16, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FROM CITIZEN

Allen Spalt, a resident of James Street, stated that he had attended a public hearing in Orange County, which hearing was continued until June 5, 1989, concerning developments in the watershed. Two developments in particular which concerned Mr. Spalt were McClennan's Farm and a development at Star Point. Mr. Spalt requested that the Town of Carrboro oppose these developments.

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CLARIFY THE PROCESS FOR REVIEWING REQUESTS FOR LAND USE PERMIT MODIFICATIONS

Over the past few months, the Zoning Office has encountered some confusion concerning the process for obtaining a minor modification of a land use permit. The confusion stems from the ambiguity of the existing language of Section 15-64(b) of the Land Use Ordinance. The administration requested that a public hearing be scheduled for June 6, 1989 on a proposed amendment to clarify the intent of that section.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR JUNE 6, 1989. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

PUBLIC HEARING/1989-90 MANAGER'S BUDGET

This was a public hearing to receive citizen comments on the Manager's proposed budget for the Town of Carrboro for 1989-90.

Corky Gatewood, Manager of Ramsgate Apartments, requested that the Board fund the C-Express Bus in the 1989-90 budget.

Alan Spalt, a resident of James Street, requested that the Board consider additional staff for the Planning and Zoning Department to keep up with increased work loads.

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

Mr. Morgan stated that he had received a phone call from a resident of Chateau Apts. also requesting that the Board fund the C-Express bus in next year's budget.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO REQUIRE AN UNDISTURBED VEGETATIVE SETBACK ALONG CARRBORO TRANSITION AREA II PROPERTY BOUNDARIES BORDERING LAND IN THE COUNTY'S PLANNING JURISDICTION AND DESIGNATED RURAL BUFFER AND PUBLIC/PRIVATE OPEN SPACE ON THE JOINT PLANNING AREA LAND USE PLAN

Ann Weeks, Senior Planner, stated that on April 25, 1989, the Board of Aldermen requested the town staff pursue a land use ordinance text amendment to require an undisturbed vegetative setback along R-R property boundaries adjacent to properties designated Rural Buffer and Public/Private Open Space on the Joint Planning Land Use Plan. Ms. Weeks presented a proposed ordinance which would require that a 100-foot setback be left on the Carrboro Transition Area II properties at their boundaries with lands in the County's planning jurisdiction that are designated Rural Buffer and Public/Private Open Space.

Ms. Weeks stated that the administration recommended adoption of the proposed ordinance.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance, with the stipulation that if it is determined at a later time that this is not what Orange County wants, the Town of Carrboro will be receptive to modification of the ordinance.

MOTION WAS MADE BY TOM GURGANUS 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 JAY BRYAN THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE THAT A 100-FOOT UNDISTURBED VEGETATED SETBACK MUST BE LEFT ALONG ALL CARRBORO TRANSITION AREA II PROPERTY BOUNDARIES BORDERING LANDS IN ORANGE COUNTY'S PLANNING JURISDICTION THAT ARE DESIGNATED BOTH RURAL BUFFER AND PUBLIC/PRIVATE OPEN SPACE ON THE JOINT PLANNING AREA LAND USE PLAN," BE ADOPTED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

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

A RESOLUTION EXPRESSING THE BOARD OF ALDERMEN'S WILLINGNESS
TO FURTHER DISCUSS THE DUKE FOREST BUFFER
IF THAT IS THE COUNTY COMMISSIONERS' DESIRE
Resolution No. 51/88-89

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board wishes to advise the Orange County Board of Commissioners that it has adopted an ordinance entitled, "An Ordinance Amending the Carrboro Land Use Ordinance to require that a 100-foot undisturbed vegetated setback must be left along all Carrboro Transition Area II property boundaries bordering lands in Orange County's planning jurisdiction that are designated both Rural Buffer and Public/Private Open Space on the Joint Planning Land Use Plan."

Section 2. The Board, in adopting this ordinance, took into account Orange County's comments and would welcome the opportunity for further discussion and possible revision to the proposed ordinance setback provisions if the County Commissioners advise the Board that it wishes such further discussion.

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 23rd day of May, 1989:

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

Noes: None

Absent or Excused: None

CONDITIONAL USE PERMIT REQUEST/BUCK-VAUGHN ENTERPRISES

On May 16, 1989, the Board of Aldermen held a public hearing on a request for a conditional use permit for Buck/Vaughn Enterprises, This permit would allow the construction of two office/retail structures to be located on the south side of Weaver Street between Weaver and W. Main Streets.

The public hearing was closed and discussion was continued until tonight's meeting so that the Town Attorney could respond to several questions raised by the Board concerning the interpretation of parking requirements in the ordinance and staff recommends with regard to the recombination of lots.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY TOM GURGANUS THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY/CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

Mike Brough stated that he recommended that the Board postpone consideration of issuance of this conditional use permit until he could discuss with the applicant the impact of this permit on the existing zoning permit for the Britt Building located on Main Street.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT DISCUSSION OF THIS MATTER BE POSTPONED UNTIL JUNE 6, 1989. VOTE: AFFIRMATIVE ALL

CONDITIONAL USE PERMIT MODIFICATION REQUEST/PLANTATION PLAZA

Helen Waldrop, Zoning Administrator, stated that Greg Shepard, representing Plantation Plaza, had applied for a conditional use permit modification that would allow a change in the facade design and sign allotment for individual stores. The property is located at 104 54 Bypass and is zoned B-4. The parcel is identified as Tax Map 114, Lot 31.

Ms. Waldrop stated that the administration recommended approval of the permit amendment with the condition that all facade materials shall be specifically indicated on all plan sheets.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT THE CONDITIONAL USE PERMIT MODIFICATION BE APPROVED WITH THE CONDITION THAT ALL FACADE MATERIALS SHALL BE SPECIFICALLY INDICATED ON ALL PLAN SHEETS. VOTE: AFFIRMATIVE ALL

Greg Shepard presented a board with samples of the facade materials which will be used.

CONDITIONAL USE PERMIT AMENDMENT REQUEST/BERRYHILL

Helen Waldrop, Zoning Administrator, stated that Sun State Equities, Inc. had applied for a conditional use permit amendment that would allow phasing changes of the Berryhill Subdivision. The property is located on the west side of Smith Level Road and the north side of BPW Club Road. The parcel is identified as Tax Map 122, Block A, Lots 2 and 2F.

Ms. Waldrop stated that the administration recommended approval of the amendment as presented.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE CONDITIONAL USE PERMIT AMENDMENT BE APPROVED AS REQUESTED. VOTE: AFFIRMATIVE ALL

REQUEST FOR FINAL PLAT APPROVAL/BERRYHILL, PHASE I

Helen Waldrop, Zoning Administrator, stated that Sun State Equities, Inc. had requested final plat approval for Phase I of the Berryhill Subdivision (The Bluffs) located on the north side of BPW Club Road.

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

1. That performance security in the amount of \$158,950 shall be submitted to the town prior to the signing of the plat by the town.

2. That the deed document transferring the property indicated on the plat as "to be deeded to Triangle Land Conservancy" from the current landowner to the Conservancy shall be filed in the Orange County Land Records concurrently with the plat.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE FINAL PLAT BE APPROVED WITH THE TWO STAFF RECOMMENDED CONDITIONS. VOTE: AFFIRMATIVE ALL

REQUEST FOR FINAL PLAT APPROVAL/FAIROAKS, PHASES 2 AND 3

Helen Waldrop, Zoning Administrator, stated that Westminster Company had requested final plat approval for Phases 2 and 3 of the Fair Oaks Subdivision located on the north side of Hillsborough Road. Ms. Waldrop stated that the administration recommended approval of the final plat with the following conditions:

1. That payment in lieu for incomplete active recreation facilities in the amount of \$15,401.60 shall be submitted to the town prior to signing of the plat by the town.

2. That performance security shall be submitted to the town in the amount of \$150,283.68 for incomplete subdivision facilities prior to the signing of the plat by the town.

Carl Blackley, land developer for Westminster Company, stated that future tot lots will be designated as such on plans to avoid misunderstandings with buyers of lots.

James Williams, a homeowner in Fair Oaks, stated that he was told when he bought his lot in Fair Oaks that the tot lot area would remain as a wooded area and would not be developed, but in fact the area had been clear cut.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE FINAL PLAT BE APPROVED WITH THE TWO STAFF CONDITIONS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE TOWN STAFF AND ATTORNEY INVESTIGATE THE QUESTION OF WHAT ARRANGEMENTS CAN BE MADE TO ASSURE THAT PROSPECTIVE BUYERS ARE MADE AWARE OF EASEMENTS OR OTHER OPEN LAND USES LOCATED WITHIN DEVELOPMENTS. VOTE: AFFIRMATIVE ALL

RESOLUTION COMMENDING DOUG KEEL

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

A RESOLUTION COMMENDING DOUG KEEL
Resolution No. 52/88-89

WHEREAS, Doug Keel has served for several years as the Manager of Alert Cable T.V.; and

WHEREAS, under Doug Keel's excellent leadership, the services provided by Alert Cable T.V. have improved significantly; and

WHEREAS, Alert Cable T.V. has provided important public service to the Town of Carrboro through the cablecasting of Town Board meetings and other quality programming; and

WHEREAS, Doug Keel's creative, responsible, and wise management will be sorely missed by Carrboro citizens.

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

Section 1. The Mayor and Board of Aldermen commend and thank Doug Keel for his excellent record as Manager of Alert Cable T.V., and wish him well in his new venture.

Section 2. A copy of this resolution shall be delivered to Mr. Keel and 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 23rd day of May, 1989:

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

Noes: None

Absent or Excused: None

IMPLEMENTATION OF UNIVERSITY LAKE WATERSHED STUDY

Mayor Kinnaird stated that she had received a revised copy of the town's proposal for implementation of the University Lake Watershed Study from Orange County.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE BOARD APPROVE IN PRINCIPLE ORANGE COUNTY'S AMENDMENTS TO THE PROPOSAL TO ESTABLISH A PROCEDURE FOR IMPLEMENTATION OF THE WATERSHED STUDY AND THAT MAYOR KINNAIRD BE REQUESTED TO CONTACT THE AFFECTED PARTIES TO INFORM THE PLANNING DIRECTORS OF ALL THE JURISDICTIONS TO BEGIN ACTION ON THE PROCESS. IN ADDITION, THAT THE BOARD BE NOTIFIED AS SOON AS THIS PROCESS IS UNDERWAY IN ORDER THAT A MEETING OF THE ORANGE/CHATHAM WORK GROUP CAN BE SCHEDULED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BRYAN)

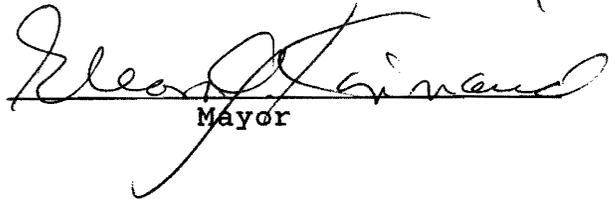
SPECIAL WORKSESSION SET

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT A SPECIAL WORKSESSION OF THE BOARD BE SCHEDULED FOR THURSDAY, MAY 25, 1989 AT 6:00 P.M. IN ORDER FOR BOARD MEMBERS TO

ATTEND THE N.C. LEAGUE OF MUNICIPALITIES' RECEPTION HONORING MEMBERS OF THE GENERAL ASSEMBLY AND THE BOARD'S DINNER MEETING WITH MEMBERS OF THE TOWN'S LEGISLATIVE DELEGATION FOLLOWING AT 7:30 P.M. AT THE BARON'S RESTAURANT. VOTE: AFFIRMATIVE ALL

REQUEST FOR EXECUTIVE SESSION

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER AND A MATTER INVOLVING POTENTIAL LITIGATION. VOTE: AFFIRMATIVE ALL


Mayor


Town Clerk