

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 15, 1990 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
	Jacquelyn Gist
	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 RANDY MARSHALL THAT THE MINUTES OF MAY 1, 1990 BE APPROVED. VOTE: AFFIRMATIVE ALL

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**PROCLAMATION**

Mayor Pro Tem Caldwell read a proclamation proclaiming May 13-19, 1990 as Nursing Home Week in the Town of Carrboro.

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**CHARGE ISSUED**

The Town Clerk issued a "charge" to Irvine Watkins, a recent appointee to the Appearance Commission/Neighborhood Preservation District Commission.

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**PUBLIC HEARING SET/CONDITIONAL USE PERMIT REQUEST/CARR MILL MALL RENOVATION**

Hakan/Corley & Associates, Inc. have requested a conditional use permit for 200 N. Greensboro Street (Carr Mill Mall) which would allow additional shops and redesign of the parking lot and landscaping. The parcel is identified as Tax Map 93, Block A, Lot 14 and is zoned B1-C.

The administration requested that a public hearing be set for May 22, 1990.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR MAY 22, 1990. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING SET/CONDITIONAL USE PERMIT REQUEST/WESTERN AUTO BUILDING**

Renaissance Partners, Inc. have requested a conditional use permit which would allow 3.120 (Office Clerical) uses at 110 E. Main Street (previously Western Auto). The parcel is identified as Tax Map 99, Block C, Lot 7 and is zoned B-1C.

The administration requested that a public hearing be set for May 22, 1990.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING BE SET FOR MAY 22, 1990. VOTE: AFFIRMATIVE ALL

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**WEATHERHILL POINTE CONDITIONAL USE PERMIT - MINOR MODIFICATION**

Helen Waldrop, Zoning Administrator, stated that North Carolina National Bank has requested a minor modification to the conditional

use permit which would allow changes to the building elevation plans that were approved as a part of the conditional use permit issued on February 24, 1987 for a 56-unit architecturally integrated subdivision. The parcel is identified as Tax Map 116A, Block E, Lot 1 and is zoned R-3 and R-SIR.

The administration recommended approval of the minor modification.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE MINOR MODIFICATION BE APPROVED AS REQUESTED. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING/COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

James Harris, the town's Special Projects Coordinator, stated that this was a public hearing to present to the Board of Aldermen and the public the 1990 Community Development Block Grant application, which will be submitted to the Dept. of Natural Resources and Community Development. Mr. Harris stated that the town's application is in the amount of \$690,000, which includes two project areas--Roberts Street and the Davie Road community. (See Town Clerk's file of this meeting for a list of improvements proposed for the two neighborhoods). The town would undertake a comprehensive community revitalization approach within each of these neighborhoods through utilization of the CDBG funds, OWASA funds, private resources, rental rehab funds and town general fund monies. In order to reaffirm local support for this project, Carrboro will need to participate financially in the street reconstruction project in the amount of \$45,480 over a two-year period and four sewer connections for \$4,520 for a total of \$50,000. Mr. Harris stated that \$90,000 of the application would be for local option funds.

Mr. Harris stated that the administration recommended that the application be approved for submission to the N.C. Dept. of Natural Resources and Community Development.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hilliard Caldwell.

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO,  
NORTH CAROLINA APPROVING AN APPLICATION FOR 1990 SMALL CITIES  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
Resolution No. 53/89-90**

WHEREAS, the North Carolina Department of Economic and Community Development is administering the Small Cities Community Development Block Grant Program and has invited local governments to apply for funding prior to the May 18, 1990, application deadline; and,

WHEREAS, the Town of Carrboro has prepared an application requesting 1990 Community Development Block Grant Funds for Community Revitalization and Local Option Activities in the amount of \$690,000 for the Davie Road Community Revitalization Area; and

WHEREAS, The Town is willing to reaffirm local support for this project by participating financially in the amount of \$50,000 to receive a more favorable consideration for approval;

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

Section 1. The cost of street improvements to a portion of the Davie Road Community Revitalization area and sewer connections to four low income homes will be paid for by the Town in the amount of \$50,000.

Section 2. The application for the 1990 Small Cities Community Development Block Grant Funds for Community Revitalization and Local Option Activities in the amount of

\$690,000 is hereby approved for submission to the N.C. Department of Economic Development.

Section 3. The Mayor is authorized to sign the necessary application and certifications associated with the submission of the grant.

The foregoing resolution, having been submitted to a vote, received the following vote; and was duly adopted this 15th day of May, 1990:

AYES: Randy Marshall, Hilliard Caldwell, Eleanor Kinnaird,  
Frances Shetley, Jacquelyn Gist

NOES: Tom Gurganus, Jay Bryan

ABSENT/EXCUSED: None

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WATERSHED PROTECTION STRATEGY LAND USE ORDINANCE AMENDMENTS

Roy Williford, Planning Director, stated that the purpose of this public hearing was to consider whether to rezone all property located within the University Lake Watershed from either R-20, R-40 or R-80 to a new zoning district called W-R in addition to amendments to the Carrboro Land Use Ordinance which are necessary to implement the watershed protection strategy.

Mr. Williford explained the strategy formulated by the Orange/Chatham Work Group and reviewed a summary of the proposed amendments.

Mike Brough reviewed a memo he had sent to the Board of Aldermen concerning connections to existing sewer lines for lots located in the watershed.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed watershed amendments except to use the Town Attorney's alternative language to replace Section 18 of the proposed ordinance. Ms. Woolley stated that the Planning Board recommended the following changes to the Table of Permissible Uses:

Under B-5, use 1.610; "Z" changed to "C"  
 Under B-5, use 2.120; "ZC" changed to "C"  
 Under WM-3, use 2.130; "ZC" changed to "C"  
 Under B-5, use 2.220; "ZC" changed to "C"  
 Under B-5, use 3.110; "ZC" changed to "C"  
 Under B-5, use 3.120; "ZC" changed to "C"  
 Under B-5, use 3.210; "ZC" changed to "C"  
 Under B-5, use 3.220; "ZC" changed to "C"  
 Under WM-3, use 4.100; "ZC" changed to "C"  
 Under B-5, use 5.110; "Z" changed to "C"  
 Under B-5, use 5.310; "Z" changed to "C"  
 Under B-5, use 5.320; "Z" changed to "C"  
 Under C and B-5; use 6.240; "Z" changed to "C"  
 Under C, B-5, and WM-3; use 13.100; "Z" changed to "C"  
 Under C, B-5, and WM-3; use 13.200; "Z" changed to "C"  
 Under C and B-5; use 13.300; "Z" changed to "C"  
 Under C and B-5; use 13.400; "Z" changed to "C"  
 Under C and B-5; use 21.00; "Z" changed to "C"  
 Under B-5, use 22.000; "Z" changed to "C"

Ms. Woolley stated that the Planning Board recommended that Section 15-185(a)(1) be amended by adding "WR" to the table with a maximum height of 40 feet.

Mayor Kinnaird read into the record a letter from Eric Crabtree, a property owner in the watershed opposing the proposed watershed amendments.

Ed Duncan, owner of property zoned B-5 located in the watershed, stated that his property would not perk for a septic tank and had been unable to afford to tap onto the OWASA sewer system prior to the OWASA moratorium and had been unable to tap onto public sewer since the moratorium was imposed. Mr. Duncan stated that he has approximately \$80,000 invested in this property and has been unable to develop it. Mr. Duncan encouraged the Board to allow connections to the sewer system and to pay attention to individual concerns.

Diana Woolley, a resident of 1209-2 N. Greensboro Street, spoke in opposition to the proposed watershed amendments. Ms. Woolley suggested the use of density zoning to control development in the watershed. Ms. Woolley also suggested the use of public sewer in the watershed.

Bill Birch, Acting President of the Orange County Landowners Assoc., spoke in opposition to the proposed watershed amendments. Mr. Birch stating that there were 2,000 members of the Landowners Assoc. who were in opposition to the proposed amendments. Mr. Birch stated that the impervious surface ratios will take away landowners' rights to develop their land. Mr. Birch stated that OWASA should put a surcharge on their rates to buy up open land to protect the watershed. Mr. Birch stated that the Camp, Dresser, McKee report suggested that a committee be set up to address concerns of landowners, but that committee was never set up. Mr. Birch stated that the users of the water should protect the water, not the landowners in the watershed who have been denied use of the sewer system.

Roy Strowd, speaking on behalf of the M.M. Strowd Heirs, requested that the town demand that OWASA extend water and sewer service into the watershed and stated that the technology is available to OWASA to provide quality water to its customers.

Henry Wills, one of the M.M. Strowd Heirs, stated that everyone wants clean water, but septic tanks are not the way to get clean water.

Allen Spalt, a Carrboro resident and spokesperson for Protect Our Water, spoke in favor of the proposed ordinance. Mr. Spalt suggested that a statement be added to the proposed amendment stating the purpose of the amendments. Mr. Spalt suggested that lots located adjacent to existing sewer lines be considered for connection. Mr. Spalt spoke against impervious surface bonuses. Mr. Spalt stated that if thought it was unwise to plan for schools and community center in the watershed.

Curtis McLaughlin, a member of the Planning Board, suggested that duplexes be allowed in the watershed to allow for creative use of property, i.e. combination of impervious surfaces such as roads, utilities, etc.

Hank Anderson, a member of the OWASA Board of Directors, stated that OWASA endorses the Camp, Dresser & McKee report and has encouraged the towns and county to use it as the technical basis for a comprehensive University Lake Watershed protection program. Mr. Anderson stated that OWASA also endorsed the 13-Point Agreement adopted by the Intergovernmental Work Group in 1989.

Ed Holland, a member of the OWASA staff, answered questions concerning the formation of committees to review the Camp, Dresser, McKee report.

Roy Brown, a Carrboro resident and landowner in the watershed, stated that some uses in the watershed would not affect the quality of water and that there are lots which will not be usable if the watershed amendments are adopted. Mr. Brown stated that people will not be able to afford 5-acre lots to build houses on and that property values will be decreased. Mr. Brown encouraged the Board to listen to the landowners in the watershed.

Wayne Lacock, a watershed landowner, asked if the proposed impervious surface ratios being proposed by Carrboro were stricter than those adopted by Orange County. Mr. Lacock suggested that Carrboro's ratios not be any stricter than Orange County's and suggested that extension of public water and sewer is a better solution than allowing septic tanks.

Marti Mandell, a Carrboro resident, suggested that there were many ways to deal with the concerns of the landowners--an OWASA surcharge, the Triangle Land Conservancy. Ms. Mandell stated that water quality is the utmost importance. Source protection is the way to go rather than treatment. Ms. Mandell urged the Board to protect the water.

Marvin Poythress, a watershed landowner, stated that his family had been displaced when University lake was flooded in the 1940's and now are being disturbed once again. Mr. Poythress stated that the landowners should be compensated for their losses and urged the Board to consider the landowners' rights and a surcharge by OWASA.

Thomas Whisnant, a Carrboro resident and watershed landowner, stated that he was concerned with the type of development that will take place if the proposed ordinance is approved. Carrboro's growth will be used to provide Chapel Hill with water. Mr. Whisnant stated that the concerns of low and moderate-income people are not being considered. Mr. Whisnant stated that he owns 10 acres on Old Fayetteville Road that will not perk for a septic tank and asked what he is suppose to do with it since OWASA will not provide sewer to it.

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

MOTION WAS MADE BY HILLIARD CALDWELL THAT IMPLEMENTATION OF THE WATERSHED AMENDMENTS BE DELAYED FOR AT LEAST SIX MONTHS IN ORDER FOR AFFECTED PROPERTY OWNERS TO HAVE A BETTER UNDERSTANDING OF THE ORDINANCE. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO IMPLEMENT PROPOSALS RELATING TO THE PROTECTION OF THE UNIVERSITY LAKE WATERSHED," BE ADOPTED WITH THE FOLLOWING CHANGES:

1. That Section 1 be amended to add a sentence to the end thereof to read: "The purpose of this ordinance is the protection of the public health and safety, assurance of minimal degradation and prevention of future deterioration of water quality in connection with the University Lake Watershed supply."

2. That Sections 25 and 26 of the ordinance be renumbered to 26 and 27 and that a new Section 25 be added to read as follows: "Section 15-185(a)(1) is amended to add the "WR" zoning district designation to the table with a maximum height of 40 feet."

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT SECTION 18 OF THE WATERSHED PROTECTION ORDINANCE REMAINS AS IS AND THAT THE TOWN ATTORNEY'S MEMORANDUM CONCERNING CLARIFICATION OF SECTION 18 OF THE WATERSHED AMENDMENTS DEALING WITH CONNECTIONS TO PUBLIC SEWER BE CONSIDERED BY THE BOARD AT A LATER DATE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT SECTION 15-266(D) DEALING WITH DEVIATIONS FROM THE IMPERVIOUS SURFACE LIMITS BE ADOPTED AS WRITTEN. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (BRYAN, GIST, SHETLEY, CALDWELL) (It was the consensus of the Board to bring this matter back before the Board at a later date for further discussion.)

It was the consensus of the Board to request that the Agenda Planning Committee schedule discussion by on the Planning Board's recommendations on future changes to the B-5 and WM-3 zones within Table of Permissible Uses. The Board also requested that the town staff determine the number of lots affected by the Town Attorney's proposed memorandum reference Section 18 of the ordinance and OWASA's policy on sewer connections in the watershed.

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PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/BOLIN FOREST, PHASE 3

Roy Williford, Planning Director, stated that Capkov Ventures, Inc. had submitted a petition requesting the annexation of Bolin Forest, Phase 3 into the corporate limits of Carrboro. This property is contiguous to the town limits and is located adjacent to Bolin Forest, Phase 2 and Quarterpath Trace. This property contains 11.172 acres and 23 dwelling units.

Mr. Williford stated that the administration recommended that the Board adopt the annexation ordinance which annexes this property into the Town of Carrboro, effective May 31, 1990.

MOTION WAS TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING BOLIN FOREST, PHASE 3," BE ADOPTED, EFFECTIVE MAY 31, 1990. VOTE: AFFIRMATIVE ALL

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

  
Town Clerk

  
Mayor