

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

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF AUGUST 28, 1990 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGES ISSUED TO NEW BOARD APPOINTEES

The Town Clerk issued "charges" to Randall Houser and Rob Ware, recent appointees to the Cable T.V. Committee, and to Charles Ward, a recent appointee to the Downtown Development Commission.

INTRODUCTION OF DUKE POWER MANAGER

Richard Williams, the new District Manager of Duke Power Company, introduced himself to the Board.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT ALLOWING SLIGHT DEVIATIONS FROM MINIMUM STREET RIGHT-OF-WAY WIDTH REQUIREMENTS UNDER SOME CIRCUMSTANCES

Julia Trevarthen, the town's Senior Planner, stated that the administration recommended adoption of a proposed amendment to the Land Use Ordinance which would enable the Board of Aldermen to allow a deviation from the street right-of-way minimums set forth in subsections 15-216(a) and (b) if it finds that:

(i) In order for a development to be served by a public street, the street must be constructed within an area that is not of sufficient width to comply with the right-of-way criteria set forth in subsections (a) and (b); and

(ii) A street that meets the pavement width criteria and substantially complies with the other criteria set forth in subsections (a) and (b) can be constructed within the right-of-way that can be made available.

Mayor Kinnaird stated that the Planning Board recommended approval of the proposed amendment.

Alex Zaffron, Chair of the Transportation Advisory Board, stated that the TAB recommended approval of the proposed amendment.

Scott McClellan stated that he felt the ordinance was not specific on how much deviation can be made from the adopted standard.

Elaine Eckel expressed concern about the proposed ordinance.

Jack Smyre, representing the developer of Fair Oaks, stated that the proposed ordinance would give the Board discretion to allow deviation from the ordinance but would not be automatic.

Steve Stimpson, a resident of Tripp Farm Road, stated that he had been approached by Westminster concerning his selling them five feet of right-of-way to meet the right-of-way requirements but that he did not really want to give up his property.

MOTION WAS MADE BY RANDY MARSHALL 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 TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW DEVIATIONS FROM MINIMUM RIGHT-OF-WAY WIDTH REQUIREMENTS UNDER SOME CIRCUMSTANCES," BE ADOPTED WITH THE ADDITION OF A NEW SUBDIVISION (iii) UNDER SECTION 2 TO READ AS FOLLOWS: "AND THAT THE APPLICANT SHOW THAT HE HAS MADE A REASONABLE EFFORT AND ATTEMPT TO PURCHASE THE NECESSARY RIGHT-OF-WAY." VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BRYAN)

PUBLIC HEARING/LAND USE ORDINANCE MAP AMENDMENT/REZONING OF A PORTION OF THE FAIROAKS SUBDIVISION

Julia Trevarthen, the town's Senior Planner, stated that the administration recommended approval of a rezoning request submitted by Westminster Company to rezoning 38 lots in the Fair Oaks Subdivision from R-15 to R-10. The area to be rezoned is approximately 15.899 acres described on Tax Map 108L, Block A, Lots 1-18; Tax Map 108L, Block B, Lots 1-3 (partial); and Tax Map 108L, Block C, Lots 1-14 and Lots 15-17 (partial).

Jack Smyre, representing the developer of Fair Oaks, spoke in favor of the proposed rezoning.

Susan Tinger, a resident of Pathway Drive, expressed concern with the storm drains for Fair Oaks.

Mary Frances Boyce asked if multi-family could be constructed in Fair Oaks if it is rezoned as proposed.

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

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 15.899 ACRES OF LAND LOCATED GENERALLY WEST OF PARKVIEW AVENUE, EAST OF TRIPP FARM ROAD, AND NORTH AND SOUTH ALONG PATHWAY DRIVE FROM R-15 (RESIDENTIAL, 15,000 SQUARE FEET PER DWELLING UNIT) TO R-10 (RESIDENTIAL, 10,000 SQUARE FEET PER DWELLING UNIT)," BE ADOPTED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION REQUEST/FAIROAKS SUBDIVISION, PHASES 5 AND 6

Helen Waldrop, the town's Zoning Administrator, was sworn in. Ms. Waldrop stated that John R. McAdams Company had requested a conditional use permit major modification which would allow 47 single-family lots and deletion of 157 apartment units in the Fair Oaks Subdivision. The parcel is identified as Tax Map 108L, Block C, Lot 13 and is zoned R-15 and R-SIR. Ms. Waldrop presented slides of the existing site and presented the site plan for Phases 5 and 6 of the development. Ms. Waldrop stated that the administration recommended that the following conditions from the current conditional use permit be deleted:

1. That the proposed improvements to Hillsborough Road at the southeast end of the Cobblestone/Fair Oaks entranceway shall be completed prior to final plat approval for Phase 4.
2. That in accordance with Section 15-203 of the Land Use Ordinance, the developer shall make payment in lieu for recreation facilities on previously recorded phases of the development prior to final plat approval for Phase 1C. The payment amount shall be determined by multiplying 3.76 recreation points by the number of units in the phases times the dollar value per point established by the Miscellaneous Fees and Charges Schedule that is in the effect at the time the payment is made.
3. That the developer shall make a payment in lieu for recreation facilities prior to final plat approval for all future phases of the development. The payment amount shall be determined in the manner stipulated in Condition #17, and shall be made on a phase-by-phase basis.

Ms. Waldrop stated that the administration recommended approval of the conditional use permit modification with the following additional conditions:

1. That the Fire Chief be notified before placement of fire hydrants.
2. That maintenance of all drainage facilities located in the private open space be the responsibility of the homeowners association.
3. That a Type "C" screen be placed around the proposed tot lot.
4. That payment in lieu for active recreation facilities be made on a phase-by-phase basis prior to filing of final plats.
5. That the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in Phase 4. A temporary barricade shall be placed at the end of the new Pathway Drive segment on the Fair Oaks property until either 80% of all Certificates of Occupancy are issued for the Fair Oaks Subdivision, or the Quarterpath Trace and Bolin Forest segments of Pathway Drive are completed, whichever occurs first. All construction traffic shall be routed by the developer on Parkview Avenue for the entire project.
6. By acceptance of this permit modification, the developer acknowledges that payments will be made as set forth in the previous two conditions, and that payment of such fees in lieu of recreation facilities does not impose on the Town an obligation that the Town construct with those funds any specific facilities within a particular park or area or within a given time frame, or impose on the Town any other obligations beyond those mandated by the Carrboro Land Use Ordinance or other provisions of law.

Jack Smyre, representing the developer of Fair Oaks, was sworn in. Mr. Smyre explained the drainage plan for Phases 5 and 6 of Fair Oaks.

Dain Riley, the town's consulting engineer, was sworn in. Mr. Riley addressed questions concerning development of Lot 5 of Phase 5 and of Lots 4, 16, 20 and 21 of Phase 6. Mr. Riley stated that it was his opinion that these lots can be developed provided that adequate storm drainage systems are designed and constructed and that the lots are graded to elevations which will keep storm water below proposed building sites. Mr. Riley stated that development of Lot 15 was questionable for building at this time before final designs are reviewed.

Diana Woolley, Chair of the Planning Board, was sworn in. Ms. Woolley stated that the Planning Board recommended approval of the modification with the administration recommendations, except that the Planning Board did not include administration recommendation #5 concerning extension of Pathway Drive.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the TAB recommended approval of the modification with the administration recommendation in addition to the following condition: That the developer, the adjacent property owner, and the Director of Public Works enter into a mutual agreement regarding the existing stub-out between lot two on Phase 6 and on 2226 Pathway Drive.

Mayor Kinnaird stated that the Appearance Commission recommended approval of the modification with staff conditions in addition to the following conditions: (1) that drainage facilities (i.e., piping and inlets) shall be shown; (2) that special attention shall be given to the preservation of trees and existing trees through adherence of tree protection as specified in the plans.

Richard Carpenter, a resident of 1901 Pathway Drive, was sworn in. Mr. Carpenter suggested that retaining walls be constructed and stated that he was in favor of single-family housing.

Steve Stimpson, a resident of 401 Tripp Farm Road, was sworn in. Mr. Stimpson spoke against construction of a dwelling unit on Lot 15 because it is the lowest point in the development. Mr. Stimpson stated that he was also speaking for Susan French of 403 Tripp Farm Road who did not feel construction should take place on Lot 15. Mr. Stimpson spoke in favor of single-family housing.

Scott McClellan, a resident of 2212 Pathway Drive, spoke in favor of single-family housing and stated that he was very concerned with the drainage

problems in Fair Oaks. Mr. McClellan stated he was not told at the time he purchased his home that Phases 5 and 6 of Fair Oaks would be developed.

Elaine Eckel, a resident of 2208 Pathway Drive, was sworn in. Ms. Eckel spoke against building on Lot 15.

Donna Howell, a resident of 102 Fairfield, was sworn in. Ms. Howell spoke in favor of single-family housing.

Jeff Oman, a resident of 205 Hanford Court, was sworn in. Mr. Oman spoke in favor of single-family housing and stated that he did not have any drainage problems.

Richard Henderson, a resident of 2216 Pathway Drive, was sworn in. Mr. Henderson spoke in favor of single-family housing and stated that he was concerned with the drainage off of fill lots 4 and 5.

Richard Amstutz, a resident of Tripp Farm Road, was sworn in. Mr. Amstutz stated he had no performance for single-family over multi-family housing as long as it is developed well. Mr. Amstutz asked for a written statement from Westminster to meet the needs of the homeowners.

Patricia Grick, a resident of 224 Pathway Drive, was sworn in. Ms. Grick spoke in favor of single-family housing and stated that she has drainage problems whenever it rains.

Linda Yarger, a resident of 2220 Pathway Drive, was sworn in. Mr. Yarger spoke in favor of single-family housing and stated that he was concerned that filling lots 4 and 5 will destroy her green space.

Debbie Nichols, a resident of 2210 Pathway Drive, was sworn in. Ms. Nichols spoke in favor of single-family housing and expressed her concern over the lack of responsiveness that Westminster has shown to the residents of Fair Oaks. Ms. Nichols stated that she had had her own drainage problems improved with Westminster providing the materials.

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

MOTION WAS MADE BY RANDY MARSHALL THAT THE PUBLIC HEARING BE REOPENED TO HEAR A RESPONSE FROM THE DEVELOPER'S ENGINEER CONCERNING DEVELOPMENT OF LOT 15. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE PUBLIC HEARING BE REOPENED TO ALLOW THE DEVELOPER TO RESPOND TO QUESTIONS. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (CALDWELL, GURGANUS, SHETLEY, BRYAN)

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE PUBLIC HEARING BE REOPENED TO ALLOW THE DEVELOPER TO RESPOND TO QUESTIONS CONCERNING DEVELOPMENT OF LOT 15. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (GURGANUS, SHETLEY, KINNAIRD)

Carl Blackley, representing Westminster, was sworn in. Mr. Blackley stated that they could combine lots 14 and 15 or convert lot 15 to open space if need be.

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

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

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

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL 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 following conditions be deleted from the current conditional use permit:

- a. That the proposed improvements to Hillsborough Road at the southeast end of the Cobblestone/Fairoaks entranceway shall be completed prior to final plat approval for Phase 4.
- b. That in accordance with Section 15-203 of the Land Use Ordinance, the developer shall make payment in lieu for recreation facilities on previously recorded phases of the development prior to final plat approval for Phase 1C. The payment amount shall be determined by multiplying 3.76 recreation points by the number of units in the phases times the dollar value per point established by the Miscellaneous Fees and Charges Schedule that is in the effect at the time the payment is made.
- c. That the developer shall make a payment in lieu for recreation facilities prior to final plat approval for all future phases of development. The payment amount shall be determined in the manner stipulated in Condition #17, and shall be made on a phase-by-phase basis.

4. That the following conditions to the conditional use permit:

- a. That the Fire Chief be notified before placement of fire hydrants.
- b. That maintenance of all drainage facilities located in the private open space be the responsibility of the homeowners association.
- c. That a Type "C" screen be placed around the proposed tot lot.
- d. That payment in lieu for active recreation facilities be made on a phase-by-phase basis prior to filing of final plats.
- e. By acceptance of this permit modification, the developer acknowledges that payments will be made as set forth in the previous two conditions, and that payment of such fees in lieu of recreation facilities does not impose on the Town an obligation that the Town construct with those funds any specific facilities within a particular park or area or within a given time frame, or impose on the Town any other obligations beyond those mandated by the Carrboro Land Use Ordinance or other provisions of law.
- f. That the developer and adjacent property owner, after consulting with the town's Director of Public Works, shall enter into a mutual agreement regarding the existing stub-out between Lot 2 in Phase 6 and on 2226 Pathway Drive.
- g. That the proposed Pathway Drive extension be constructed to connect with the present western terminus of Pathway Drive in Phase 4. A temporary barricade shall be placed at the end of the new Pathway Drive segment on the Fairoaks property until either 80% of all Certificates of Occupancy are issued for the Fairoaks Subdivision, or the Quarterpath Trace and Bolin Forest segments of Pathway Drive are completed, whichever occurs first. All construction traffic shall be routed by the developer on Parkview Avenue for the entire project.
- h. That drainage facilities (i.e., piping and inlets) shall be shown.
- i. That special attention shall be given to the preservation of trees and existing trees through adherence of tree protection as specified in the plans.
- j. That a Type "C" screen be placed between the Cobblestone development and Phase 6 of Fairoaks.
- k. That when final construction plans are submitted, plans and calculations must be provided by the developer's professional engineer. These drawings and calculations must provide adequate information to

satisfy all parties that the storm drainage system through the "fill lots" will control storm waters. This storm drainage system should consist of an enclosed pipe system, open channels, channel protection, energy dissipators and other applicable engineering features. The calculations should show the runoff (Q) volumes, pipe and channel sizing, channel protection measures and energy dissipater types and sizes. Additionally, the "fill lot" elevations must be set above calculated elevation of storm waters.

1. That the yard inlets be constructed flush with the ground.
- m. That Lot 15 be held as open space or be combined with other lot(s) and that the area shown as Lot 15 on the site plan not be built on.
- n. That the developer place deed restrictions that will run with the land on Lots 3 through 7 as proposed in Phase 6 for the creation of a landscape buffer along the existing utility easement at the rear of these lots.
- o. That the developer post a bond, in an amount determined by the Public Works Director, at the time occupancy permits are issued for 85% of the housing units in each phase to cover drainage problems.

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CAMDEN SUBDIVISION

Helen Waldrop, Zoning Administrator, was sworn in. Ms. Waldrop stated that Layton Wheeler for Camden Subdivision had requested a conditional use permit which would allow 15.45 acres to be subdivided into 23 single-family lots. The parcel is located in the northern transition area, west of Homestead Road and is identified as Tax Map 109, Lot 10 and is zoned R-20. Ms. Waldrop reviewed the site plan.

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that the N.C. Dept. of Transportation feels that a left turn lane is desirable at the entrance to this development, the number of lots in this development do not require a left turn lane. Mr. Williford stated that the administration was not recommending construction of a sidewalk along this development's frontage because the town does not have a sidewalk plan for the Transition Area.

Mayor Kinnaird stated that the Planning Board recommended approval of the conditional use permit with the staff recommended condition that prior to construction plan approval, the town receive written confirmation from UNC that it intends to deed the 30' right-of-way to Camden, and prior to final plat approval such deed must be recorded.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the TAB recommended approval of the conditional use permit with the following conditions:

1. That this and future developers include a sidewalk along Homestead Road;
2. That the width of Camden Lane be looked at by the Board of Aldermen to see if it is sufficient to allow for increased traffic, including bike traffic, in the future should the University property be developed; and
3. That a left turn lane be required on Homestead Road at the entrance to Camden.

Fritz Brunson, the developer's engineer, was sworn in. Mr. Brunson answered the Board's questions about the proposed development.

Judith Williams, a resident of 1510 Homestead Road, was sworn in. Ms. Williams spoke about the traffic problems around the high school and stated her concern about students walking along Homestead Road.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY 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 prior to construction plan approval, the town receive written confirmation from UNC that it intends to deed the 30' right-of-way to Camden, and prior to final plat approval such deed must be recorded.

VOTE: AFFIRMATIVE ALL

RESOLUTION AUTHORIZING THE EXCHANGE OF SURPLUS PHONE EQUIPMENT

The administration recommended adoption of a resolution authorizing the exchange of 26 Merlin phone sets and 6 Merlin control cabinets to Executone Systems, Inc. in exchange for 16 Isoetec phone sets.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Tom Gurganus.

A RESOLUTION AUTHORIZING THE EXCHANGE OF SURPLUS PHONE EQUIPMENT FOR NEW PHONE EQUIPMENT Resolution No. 4/90-91

WHEREAS, G.S. 168-271 authorizes the town to exchange personal property by private negotiation if the town receives a full and fair consideration in exchange for its property; and

WHEREAS, in March of 1990, the town contracted with Executone Systems, Inc. to install a new telephone system at the Town Hall; and

WHEREAS, the original contract with Executone assumed that the Merlin phone sets then in operation within various departments would remain and could be used compatibly with the new system; and

WHEREAS, it now appears more desirable to replace the town's previously owned Merlin phones with new phones that are more compatible with the equipment being installed under the contract with Executone Systems, Inc; and

WHEREAS, Executone Systems, Inc. has agreed to provide to the town sixteen (16) new Isoetec phone sets having a value of \$3,360.00 in exchange for twenty-six (26) Merlin phone sets and six (6) control cabinets owned by the town and having a value of \$2,325.00; and

WHEREAS, notice of the intent to exchange property as provided in this resolution was published in The Chapel Hill Newspaper on August 26, 1990.

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

Section 1. For the foregoing reasons, the Board authorizes the following exchange of property between the town and Executone Systems, Inc:

Twenty-six (26) Merlin phone sets and six (6) Merlin control cabinets having a value of \$2,325.00, shall be conveyed by the town to Executone Systems, Inc. In return, Executone Systems, Inc. shall convey to the town sixteen (16) Isoetec phone sets having a value of \$3,360.00.

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 September, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

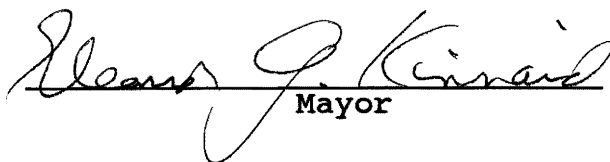
AWARD OF BID FOR A REFUSE TRUCK

The administration recommended that the Board of Aldermen award the bid for one (1) cab and chassis mounted 38-cubic yard high compaction body front-loading refuse truck to Lodal South, Inc. for a total cost of \$103,462.00.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE BID BE AWARDED TO LODAL SOUTH, INC. FOR A TOTAL COST OF \$103,462.00. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL

Town Clerk



Mayor