A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 19, 1994 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Aldermen Eleanor Kinnaird Michael Nelson Randy Marshall Hank Anderson Frances Shetley Jacquelyn Gist Jay Bryan

Town Manager Town Clerk Town Attorney Robert W. Morgan Sarah C. Williamson Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON THAT THE MINUTES OF APRIL 12, 1994 BE APPROVED. VOTE: AFFIRMATIVE ALL

FUNDING REQUEST/FRIENDS OF THE CARRBORO LIBRARY

Gary Giles, representing the Friends of the Carrboro Library, requested that the Board consider including an item in its continuum budget for the establishment and ongoing operations of a branch library of the Hyconeechee Orange County Library System in Carrboro.

The Board received the request.

<u>CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT/LAKE HOGAN FARMS</u> <u>SUBDIVISION</u>

On March 22, 1994, the Board of Aldermen held a public hearing to consider an application for a conditional use permit which would allow for the development of 420 single-family detached units in seven phases on 310 acres. That hearing was continued until April 19, 1994 so that the town staff could gather additional information in response to several questions from the Board. The town staff has gathered the requested information and is recommending that the Board approve the conditional use permit.

Alex Zaffron, Chair of the Transportation Advisory Board, stated that the TAB had recommended approval of the conditional use permit with the revisions to the roadways as seen at the TAB meeting on April 7, 1994; which include Lake Hogan Farm Road being directly connected at the north with a stub-out; with a second north stub-out across from Hogan Run Road; with an eastern connection between Lots 18 and 19 which will be a cleared stub-out with dedicated right-of-way to the property line and clearing to be done at a later date; with a stub-out across from Stag Ridge Road to the east; and with an original western connection shown on the former Lake Hogan Farm Road; and the addition of a paved stub-out to the property line between Lots 224 and 225; in addition to a stub-out to the south on the westernmost portion for the former Lake Hogan Farm Road.

Alderman Gist noted that the Board had received a memorandum from the Bolin Creek Stream Watch of the Orange Chatham Sierra Club, stating that the Hogan Farm development poses a severe threat to Bolin Creek and requesting the Board not to approve the conditional use permit.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED 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 submitted to the Zoning 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 land owner (applicant) petition for voluntary annexation on a phase by phase basis prior to final plat approval of each phase.
- 4. That the location of the trail and the corresponding 50 foot easement to the Town of Carrboro be adjusted in the field to avoid overlapping lots if possible, and to avoid conflicts with OWASA manholes. That OWASA approve the location of the trail during the construction plan approval process. The applicant must remove the word future from the description of the six foot wide bike and pedestrian trail.
- 5. That additional information be submitted to, and approved by, the Town's consulting engineer for lots 20 and 21, to ensure that the proposed drainage system will render these lots as buildable lots. This shall be done during the construction plan approval process.
- 6. That joint maintenance agreements between all lots served by the private driveways be established prior to construction plan approval, and that the details for the private driveways be approved by the Public Works Director and the Fire Chief during the construction plan approval process. The driveway design must include mountable curbs around the landscape islands and the vegetation within the islands must be limited to grass.
- 7. That Duke Power and North Carolina Natural Gas approve the crossings of their easements by roads and storm water and/or sewer pipes prior to construction plan approval, and that any necessary modifications be made to the plans as required by these utility companies.
- 8. That any office/retail use in, or around, the recreation complex, shall require annexation of the phase that the site is in (ie.--phase 1), then a rezoning and a CUP amendment must be obtained from the Board of Aldermen.
- 9. That the recreation point requirements of the Land Use Ordinance be verified, and adjusted if necessary, during the construction plan approval process, and that children's playground equipment must account for at least 10 percent of the total recreation points which are required for this project (via the recreation points table in the Land Use Ordinance or the dollar value equivalent of those points as provided for in Appendix G of the Land Use Ordinance).
- 10. That the detailed design of the creek crossings must be provided during the construction plan approval process, and that all road crossings must meet the federal standards established for "bridges" under ASHTO HS-20.
- 11. That an application for a permit for the repair and reconstruction of the dam be made to the appropriate state agency upon issuance of the Conditional Use Permit, and that the lake not be refilled until such time as deemed safe and appropriate by the responsible state agency.
- 12. That the applicant relabel the open play fields as open play fields and associated parking.

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE TRANSPORTATION ADVISORY BOARD'S RECOMMENDATION DATED APRIL 7, 1994 BE APPROVED WITH AN ADDITIONAL STUB-OUT TO BE LOCATED ON THE SOUTH OF THE PROPERTY TO BE DEDICATED TO THE TOWN AND THAT SIGNAGE FOR THE STUB-OUTS AND BIKE FACILITIES BE INSTALLED WHEN THE ROAD IS CONSTRUCTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT CONSTRUCTION PLANS FOR PHASE 1 OF THE DEVELOPMENT MAY NOT BE GRANTED UNLESS AND UNTIL THE DEVELOPER HAS DETERMINED WHETHER AND TO WHAT EXTENT

IMPROVEMENTS OF THE DAM WILL BE REQUIRED AND, IF A STATE PERMIT FOR SUCH IMPROVEMENTS IS MANDATED, SUCH PERMIT IS OBTAINED FROM THE STATE. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

Brad Young presented a proposed which would set the houses on Lots 156, 157 and 158 back 75 feet from the property line and would set the house on Lot 155 back 100 feet from the property line.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT A 35-FOOT BUFFER BE REQUIRED FOR LOTS 155, 1576, 157 AND 158 AND ALL OTHER LOTS WOULD BE REQUIRED TO HAVE A 50 FOOT BUFFER FROM THE PROPERTY LINE. VOTE: AFFIRMATIVE TWO, NEGATIVE FIVE (NELSON, KINNAIRD, SHETLEY, GIST, BRYAN)

MOTION WAS MADE BY FRANCES SHETLEY THAT A 50-FOOT UNDISTURBED BUFFER BE REQUIRED ALONG ALL LOTS. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BRYAN, NELSON)

Giles Blunden, the Chair of the Appearance Commission, was sworn in. Mr. Blunden presented the April 7, 1994 recommendation of the Appearance

Commission which stated that the new wall/sign plan proposed by applicant is okay.

Roy Williford, the town's Planning Director, presented the developer's proposal to bring all lots to the south of the creek and would provide a townhouse type of arrangement.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY TO ACCEPT THE DEVELOPER'S PROPOSAL TO AMEND THE SITE PLAN AS PRESENTED BY THE PLANNING DIRECTOR. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE RECOMMENDATIONS OF THE N.C. DEPARTMENT OF TRANSPORTATION IN A LETTER ADDRESSED TO TOWN'S ZONING OFFICE REF. IMPROVEMENTS TO HOMESTEAD ROAD AND OLD 86 BE OBSERVED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE APPLICATION BE GRANTED SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (NELSON, KINNAIRD, GIST, BRYAN)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE PERMIT BE DENIED FOR THE FOLLOWING REASONS:

- a. The Planning Board voted unanimously to recommend that the conditional use permit not be granted.
- b. The dam does not meet Section 15-254(c) of the Land Use Ordinance in that the permits have not been granted.
- c. If completed as proposed, the development will materially endanger the public health or safety for the following reasons:
 - 1. Seawell Elementary School is currently over capacity and the impact of this proposed development will significantly impact on the schools.
 - This development is ahead of any commitment the town can make to the infrastructure (i.e., Homestead Road) to satisfy the requirement of this development.
 - The development will result in too many car trips on Homestead Road which is already overcrowded.
- d. If completed as proposed, the development will not be harmony with the area in which it is to be located for the following reasons:
 - 1. Most of the land to the north of the proposed development is zoned for one unit per acre, in effect pushing the one unit per acre envelope and it is not in keeping with the way the Board has zoned all land.
 - 2. The size of the proposed project is completely out of character with the surrounding area and with the development there as a whole.

e. If completed as proposed, the development will not be in general conformity with the Land Use Ordinance, thoroughfare plan, and other plans officially adopted by the Board of Aldermen for the following reasons:

The proposed development does not meet the spirit of the Year 2000 Task Force Report, specifically sections 1.11 (encourage development of greenways or park lands along streams and easements dedicated to public use), 2.0 (that the community should be a diverse one--people of all races, ages and social and economic backgrounds and that growth occur in a balanced fashion and at a rate that can be assimilated by the community without jeopardizing the values outlined in the Year 2000 Task Force Report); 2.11 (the town is to develop ordinances to restrict development by limiting density); 2.60 (growth should be maintained to preserve the smalltown character and the infrastructure should not be adversely affected by population growth).

- f. During the rezoning of the property, promises of a certain type of development were made that have not been met.
- g. At the joint planning public hearing on the rezoning of this property, the developer indicated that a 100 foot buffer would be provided along the Stony Hill Subdivision and it has not been provided.
- h. The plan violates Section 15-6 of the Town's Land Use Ordinance in that, according to the materials provided by the town's planning department, planning for this area have been a part of the consciousness of the community and the Board since 1991 and the Board has charged the Small Area Planning Work Group with the planning for this area.
- i. There is a commercial area designated in the proposal but there is no zoning provided for it.

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (SHETLEY, ANDERSON, MARSHALL)

REVOLVING LOAN FUND APPLICATION/INK SPOT

James Harris, the town's Community and Economic Development Officer, stated that The Ink Spot Copy Shoppe had requested a loan in the amount of \$17,000 for five years at 7.5% interest from the Revolving Loan Fund to copy a full-service copy center. The collateral for the loan would be Glyn Folk's signature. The Downtown Development Commission recommends approval of the loan.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY RANDY MARSHALL THAT THE \$17,000 LOAN BE APPROVED FOR FIVE YEARS AT 7.5% INTEREST WITH THE REQUIREMENT THAT GLYN FOLK BE REQUIRED TO ADD THE TOWN OF CARRBORO TO THE LIFE INSURANCE POLICY REQUESTED BY THE SELF-HELP CREDIT UNION. VOTE: AFFIRMATIVE ALL

LEASE OF PARKING SPACES/YAGGY LOT

James Harris, the town's Community and Economic Development Officer, stated that the owner of A Better Wrench approached the town about the lack of business-related parking in the downtown. It was requested that the town consider leasing 4 parking spaces to A Better Wrench Auto Repair Shop in the public parking lot located on Main Street (the Yaggy Lot) to alleviate the problem. The administration recommended that the Board authorize the lease of 2 parking spaces (possibly 4) to A Better Wrench at a cost of \$25.00 per month.

Alderman Shetley requested that the downtown merchants be contacted concerning the request by A Better Wrench.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE TOWN STAFF BE AUTHORIZED TO LEASE TWO (2) PARKING SPACES IN THE YAGGY PARKING

LOT TO A BETTER WRENCH AT A COST OF \$25.00 PER SPACE PER MONTH, AND THAT THE YAGGY PARKING LOT BE ADDED TO THE TOWN'S MISCELLANEOUS FEES AND CHARGES SCHEDULE FOR THE PURPOSE OF LEASING PARKING SPACES. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BRYAN, SHETLEY)

STATUS REPORT ON RENTAL REHAB PROJECT LOCATED AT 402 OAK AVENUE

James Harris, the town's Community and Economic Development Officer, stated that at the 1994 Planning Retreat, the Board of Aldermen requested a status report on the Rental Rehabilitation project at 402 Oak Avenue. Mr. Harris stated that at this time the footing has been stabilized and the foundation replaced, the interior framing is complete, the exterior framing, roofing, windows, doors, etc. is complete. The interior plumbing rough-in is complete. The exterior underground sewer and water lines are tied in to the house. And, the interior in wall and in ceiling heating duct and gas line rough-in is also complete.

The Board requested a follow-up report on this project at the Board's first meeting in June, 1994.

TRAFFIC PLAN FOR QUAIL ROOST DRIVE

Kenneth Withrow, the town's Transportation Planner, stated that at the 1994 Planning Retreat, the Board of Aldermen requested that the town staff propose a traffic plan for Quail Roost Drive. Quail Roost Drive is located in the vicinity of the new middle school site. The middle school is expected to begin operation as of August, 1994 and it is feared that commuter traffic will use Quail Roost Drive as a "drop-off" point for children. The town staff is recommending that no improvements be made at this time to either Quail Roost Drive, Lisa Street or Deer Street and that traffic be closely monitored over the next year.

The Board received the report.

AWARD OF AUDIT CONTRACT

The administration requested that the Board award the contract for the FY'93-94 audit to Grant, Sullivan and Company for a total cost of \$18,630.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON THAT THE CONTRACT BE AWARDED TO GRANT, SULLIVAN AND COMPANY FOR A TOTAL COST OF \$18,630. VOTE: AFFIRMATIVE ALL

ONE-HALF CENT SALES TAX EXEMPTION

Mr. Morgan stated that he had met with the Division of Environmental Management on April 14, 1994 concerning the town's request for an exemption from the requirement to set aside a portion of the one-half cent sales tax for water and sewer expenditures. Mr. Morgan stated that it was his belief that DEM was close to making a recommendation to the Local Government Commission to deny the town's request for an exemption based upon the presence of unsewered areas in Carrboro. Mr. Morgan stated that since no citizen has petitioned the Town of Carrboro nor DEM to address any sewer needs in Carrboro, he had suggested that DEM consider allowing the exemption for this fiscal year with the understanding that the town would use this year to assess the extent of the problems.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE BOARD'S POSITION ON THIS ISSUE IS THAT THE EXTENSION OF PUBLIC SEWER IS OWASA'S RESPONSIBILITY AND OWASA HAS THE FINANCIAL ABILITY TO ADDRESS THESE SITUATIONS. IN ADDITION, THE BOARD WOULD AGREE TO A JOINT CARRBORO/OWASA STUDY WHO WOULD DEVELOP A PLAN DURING THE COURSE OF THE NEXT YEAR TO ADDRESS SERVING UNSEWERED AREAS IN CARRBORO WITH PUBLIC SEWER. VOTE: AFFIRMATIVE ALL

BOARD'S SUMMER BREAK

The Board designated the month of July in addition to the first week in August as its summer break for 1994.

OWASA VACANCY

Mayor Kinnaird stated that Alderman Anderson had indicated that he did not wish to be considered for re-appointment to his OWASA seat which expires in June, 1994. It was the consensus of the Board to request that the town staff advertise this position.

IMPROVEMENTS TO THE NORTH GREENSBORO/ESTES DRIVE INTERSECTION

Alderman Shetley requested that the town staff gather the necessary information on the amount of right-of-way needed and the cost to the town for the improvements to the North Greensboro/Estes Drive intersection.

PLANNING FOR THE USE OF THE UNIVERSITY'S OUTLYING LANDS

Alderman Shetley requested that the Agenda Planning Committee schedule a discussion of the use of the University's outlying lands (Horace Williams tract) after the Board's summer break.

APPOINTMENT TO ANIMAL CONTROL BOARD OF APPEALS

The Board appointed Alderman Gist to serve as an alternate member on the Animal Control Board of Appeals.

MEDIATION SERVICES FOR THE GUN CONTROL STUDY COMMITTEE

Alderman Bryan requested that the Gun Control Committee be allowed to use the services of the Dispute Settlement Center for at least one meeting. Alderman Bryan stated that the Board had previously authorized the expenditure of funds for the Dispute Settlement Center to assist the Gun Control Committee, but since those funds had been anonymously donated, he wanted to let the Board know that the Gun Control Committee would like to use the services of the Dispute Settlement Center for at least one more meeting.

The Board agreed to allow the Gun Control Committee to use the services of the Dispute Settlement Center for one meeting.

COMPREHENSIVE QUALITY GROWTH STRATEGY AND COMMUNITY BUILDING FOR ORANGE COUNTY

The Board requested that the Agenda Planning Committee schedule a discussion of whether the Board wishes to participate in an Assembly of Governments meeting to discuss comprehensive quality growth strategy and community building plan for Orange County.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE MEETING BE ADJOURNED AT 11:05 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk