

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 25, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Michael Nelson
	Randy Marshall
	Hank Anderson
	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 JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF APRIL 18, 1995 BE APPROVED. VOTE: AFFIRMATIVE ALL

MOMENT OF SILENCE

Mayor Kinnaird called for a moment of silence in remembrance of the disaster in Oklahoma.

PROCLAMATION

Mayor Kinnaird read a proclamation proclaiming the week of April 30-May 6, 1995 as Disability Awareness Week in the Town of Carrboro and presented that proclamation to Ellen Perry, one of the town's representatives on the Orange County Disability Awareness Council.

Ellen Perry invited the Board to attend a tea on May 1st, from 3-5 at the Senior Citizens Center on Elliott Road.

CHARGE ISSUED

The Town Clerk issued a charge to Gladys Parker, a recent appointee to the Cemetery Commission.

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/FORMER NEWSOME PROPERTY

This was a public hearing to consider an application for a conditional use permit for the former Newsome property which would allow for the creation of 71 single family detached homes on 40.59 acres. A public hearing must be held by the Board of Aldermen to receive public comment before taking any action on an application for a conditional use permit. The Administration originally recommended that the project should not be approved because the application did not conform with sections 15-213 (a) and 15-216 (b) the Land Use Ordinance. However, the Administration is now recommending that the project be approved because the developer, Jim Brandewie, has submitted a letter agreeing to move

the driveway for lot 12 onto Sunset Ridge Trail, and to add a sidewalk along Sunset Ridge Trail and Buckeye Lane in compliance with sections 15-213 (a) and 15-216 (b).

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the site plan for the project. Mr. Lankford stated that the administration had originally recommended that this project not be approved because the application did not conform with the Land use Ordinance because the location of one driveway (Lot 12) did not comply with Section 15-213(a) of the Land Use Ordinance and because no sidewalk was provided on either Sunset Ridge Trail or Buckeye Lane as required by Section 15-216(b). However, the administration now recommended approval of this project because the developer, Jim Brandewie, submitted a letter on April 20, 1995 which stated that he agreed to move the driveway for Lot 12 onto Sunset Ridge Trail and that he agreed to add a sidewalk along Sunset Ridge Trail and Buckeye Lane in compliance with Sections 15-213(a) and 15-216(b).

Mr. Lankford stated that the administration recommended that the developer petition for voluntary annexation on a phase-by-phase basis prior to final plat approval of each phase. That a joint maintenance agreement be created for the private driveway that serves Lots 16, 17 and 18, that this joint maintenance agreement must be approved by the town attorney prior to recording of the final plat for Phase 3 of this project, that this driveway shall remain a part of these three lots, and that the maintenance of this driveway shall permanently remain the sole responsibility of these three lot owners. That the developer obtain the remaining sections of the necessary sewer easements which are shown on the plans as "under discussion with the property owners" prior to construction plan approval. That the developer install curb, gutter and sidewalk, as well as widen the roadway to one-half of a 36-foot cross section (with a bikelane) along the frontage of this development along Old N.C. Highway 86. That the water and sewer taps and meters for Lots 16, 17 and 18 be located as required by the Orange Water and Sewer Authority.

Scott Yarley, the town's consulting engineer, was sworn in. Mr. Yarley answered the Board's questions concerning the need for the stormwater detention ponds. Mr. Yarley stated that the stormwater detention ponds will only hold water for a certain period of time and then will drain dry.

Mayor Kinnaird noted that letters had been received from Neil Pedersen, Superintendent of Chapel Hill-Carrboro City Schools; Carolyn Miller, Charles Beemer, and Anne Fitzgibbon.

A petition from some of the residents of the Barington Hills Subdivision was also received.

John Rintoul, Chair of the Planning Board, was sworn in. Mr. Rintoul stated that when the Planning Board reviewed this project it recommended that the Board of Aldermen deny the conditional use permit request for the Newsome Subdivision for the following reasons:

1. The application appeared to be incomplete because the wetlands certification letter has not yet been received, and wetlands issues have not been fully addressed.
2. The drainage issues have not been fully addressed.
3. More thought should be given to the affordable housing issue.

Mr. Rintoul stated that he assumed this matter would go back to the Planning Board for additional review and would like to request that the Board refer this application back to the Planning Board.

Giles Blunden, Chair of the Appearance Commission, was sworn in. Mr. Blunden stated that the Appearance Commission recommended the following conditions:

1. That the plans refer to the planting of several multi-stemmed flowering shrubs. A recommended type would be a mildew resistant Crepe Myrtle.

2. That an adequate Type "A" screen along the northern and eastern sides of the clubhouse, the developer would need to plant some redbuds, in addition to the proposed Wax Myrtles.
3. That the developer should maintain the oaks at the front of the project as is currently proposed.
4. That the developer should attempt to "naturalize" the detention pond rather than having a "maintained" look with just grass. This should be balanced with the need to maintain the holding and drainage capability of the pond by avoiding an accumulation of plant litter.
5. That the proposed overflow parking lot shown on the southwest side of the clubhouse should not be paved. Instead it should have a grass cover and no curb and gutter. The main parking lot can stay as proposed, with paving and curb and gutter.
6. That as much fencing as possible in the project should have a rustic "farm" look, rather than being a chain link fence. Any remaining chain link fences could be softened with an evergreen vine like Carolina Jessamine.
7. That the entryway to the project should avoid the use of solid walls, especially ones constructed of brick.
8. That the Appearance Commission feels that if the Land Use Ordinance were to change prior to project approval, that it would prefer to see the use of swales and ditches in this project, rather than curb and gutter.

Alex Zaffron, Chair of the Transportation Advisory Board, was sworn in. Mr. Zaffron stated that the Transportation Advisory Board made the following recommendations:

1. That Lots 16, 17 and 18 and the private driveway be eliminated.
2. That the driveway for Lot 58 be reconfigured to come out on Buckeye Lane, and that a text amendment be added to eliminate the need for a sidewalk along Buckeye Lane.
3. That the developer be required to put in a sidewalk; and getting up with NCDOT so that the sidewalk must conform to NCDOT specifications when projects U-3100 (improvements to Hillsborough/Old Fayetteville Road) and improvements to NC Old 86 (to Calvander) are slated for design and construction. In addition, that the developer be required to put in the sidewalk from the northernmost property line of the Newsome tract to the southernmost property line of the Newsome tract.
4. That the OWASA easement on the eastern edge of the property be preserved as a pedestrian path.

Roy Williford, the town's Planning and Economic Development Director, was sworn. Mr. Williford answered the Board's questions concerning the requirements for curb and gutter and sidewalks.

Jim Brandewie, the owner of the Newsome tract and Michael Hughes, the project engineer, were sworn in.

Jim Brandewie gave a history of the project and stated that it was their desire to meet the following objectives for the proposed project: 1) preserve the farm house and large oaks in the front yard; 2) preserve the natural area along the creek; 3) preserve and enhance viewscape along Old N.C. 86; 4) encourage inter- and intracommunity interaction; 5) the plan shall be compatible with adjoining neighborhoods; and 6) make Old N.C. 86 a

relatively safer road to travel. Mr. Brandewie stated that they were proposing 80.7% density with 25% open space.

Mike Hughes presented information concerning the stormwater drainage requirements. Mr. Hughes stated that the pre-development flow from Barington Hills is 28.33 cubic feet per second (cfps). After development the flow will be 18.12 cfps using the stormwater detention ponds. For the creek located northeast predevelopment will be 27.37 cfps, after development 22.53 cfps. For the creek located southeast pre-development flow is 24.58 cfps, after development 21.93 cfps.

Mr. Hughes stated that the Barington Hills sewer line will improve water quality in the creek by allowing households with failing septic system the opportunity to be connected to a sewer line. Will provide access to sewer line for 19 of the 47 lots in the Barington Hills Subdivision with no assessment costs. Homescape will connect 8 of the 19 lots to the sewer line as part of the easement agreements with lot owners. All of the costs associated with these connections shall be paid by Homescape. Homescape will be pleased to arrange connection of the remaining 11 of the 19 lots to the sewer line at cost while the utility contractor is in the neighborhood installing the sewer line. The costs for the sewer taps for these lots, any OWASA connection fees, and the abandonment of the septic tanks and drain fields shall be paid by others. Finally, the sewer line will significantly reduce sewer assessment costs for the remaining 28 lots not adjacent to the sewer lines installed for the Newsome project.

Mr. Hughes stated that they are aware of the existing stormwater problem in Barington Hills. The stormwater detention dam height, size and location was moved further away from the property line as requested by surrounding property owners. The private driveway location on the dam does not compromise the integrity of the dam. The wildlife corridors have not been destroyed.

Jim Brandewie stated they had taken affordable housing very seriously in the Waverly Forest Subdivision. Construction costs have risen so much that a \$100,000 house built several years ago would probably cost \$150,000 to replace today.

Chuck Beemer, the developer's attorney, was sworn in. Mr. Beemer stated that the restrictive covenants will be drafted to protect Lots 16, 17 and 18. There is a possibility of creating a cause of action to make sure the homeowners does what it is required to do. Mr. Beemer stated that the developer is willing to agree to install a sidewalk from Farm house road to the northern demarcation line. The developer is also willing to post bond to guarantee that if DOT does not complete the sidewalk, that he will. Mr. Beemer questioned why the town would want to require a developer to improve a road outside of the town's corporate limits. The developer would propose to wait until it is known what DOT is going to do giving the town a note and deed of trust for Phase 3 of the project. As an alternative, the builder will commit to do what the staff wants him to do. But requested that the time when the improvements are made be postponed until it is known from DOT is going to do as far as improvements.

Richard Ellington, a resident of Barington Hills, was sworn in. Mr. Ellington stated that his ten year old daughter asked that the Board not let anything happen to her creek. Mr. Ellington stated that this plan will unnecessary remove many large trees. These trees are holding soil on steep slopes and providing wildlife habitat. Trees add value to homes. Mr. Ellington distributed information from the Orange County Natural Areas Survey which includes the area of this development. Mr. Ellington stated that this development will cause forest fragmentation. Mr. Ellington recommended that the Board consider whether this development will injure adjoining properties, the wildlife population, remove Lots 16, 17 and 18, require all existing trees in southern quadrant be left undisturbed, move lots 27-38 forward, require houses on rear lot be built as close as possible to front of lot, remove curb and gutter and require grass swales, remove detention pond in rear and replace from retention pond out of stream buffer, require right-of-way to remain undisturbed open space, requested clarification of future sewer hook-ups.

~~Mr.~~ Kossowski was sworn in. Mr. Kossowski stated that the Douglas and Fitzgibbon property will be destroyed by water coming through their property. Mr. Kossowski presented photographs of the low area during the February, 1995 rainfall (10-25 year storm). Mr. Kossowski requested that Homescape leave the basin as it is to function as a natural detainer of water and undisturbed open space. The current plan imposes unreasonable risk upon basin. If there are problems with the stormwater detention pond, more stormwater will be dumped onto adjoining properties. This development will have an aesthetic impact on surrounding properties. The bottom of the pond will be impossible to clean. Mr. Kossowski suggested that the road follow the contours of the land, that a swale be built into the sewer line and install sewer. Remove the dam from the road bed.

Anne Fitzgibbon was sworn. Resident of 102 Downing Court. In 1982 water rose under her house, at various times now the water comes into her yard. Ms. Fitzgibbon requested that no additional water be added to this creek.

Peggy Douglas was sworn in. Ms. Douglas stated that she and her husband live at 104 Downing Court. Ms. Douglas stated that their property currently experiences flooding during heavy rains. Ms. Douglas requested that the Newsome development be restricted to disallow any additional storm run-off downstream. Requested that OWASA replace the existing small culvert.

Claudia Gualtieri was sworn in. Ms. Gualtieri, resident of 101 Bruton Drive, stated that she feels this area is being overbuilt, the traffic is going to be terrible and the trees are going to be gone.

MOTION WAS MADE AND SECONDED BY THAT THE PUBLIC HEARING BE CONTINUED AT THE BOARD'S NEXT MEETING ON MAY 02, 1995. VOTE: AFFIRMATIVE ALL.

AWARD OF AUDIT CONTRACT

The administration recommended that the Board of Aldermen award the contract for the FY'94-95 audit to Grant, Sullivan and Company for a total cost of \$18,900.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO AWARD THE FY '94-95 AUDIT CONTRACT TO GRANT, SULLIVAN AND COMPANY. AFFIRMATIVE ALL

APPOINTMENTS TO THE CABLE T.V. COMMITTEE

The chair of the Cable T.V. Committee recommended that Catherine Binder be appointed to the vacant seat on the Cable T. V. Committee. In addition, the General Manager of CVI has requested that Anthony Jordan, the new CVI Site Manager, be appointed to represent CVI on the Cable T.V. Committee to replace Alex Ritter.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY RANDY MARSHALL TO APPOINT CATHERINE BINDER TO THE VACANT SEAT ON THE CABLE T.V. COMMITTEE. AFFIRMATIVE ALL

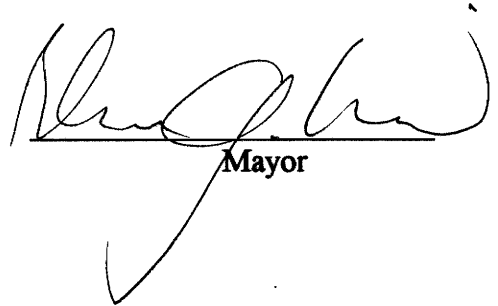
TRAFFIC LIGHT AT OLD FAYETTEVILLE AND HILLSBOROUGH

A status report was requested from staff regarding efforts to get a traffic light at the intersection of Old Fayetteville Road and Hillsborough Road.

REQUEST TO CHAPEL HILL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO REQUEST THAT CHAPEL HILL ALLOW CARRBORO'S ADVISORY BOARD REVIEW CHAPEL HILL'S NORTHWEST PLAN. AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MIKE NELSON THAT THE MEETING BE ADJOURNED AT 11:22 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk