

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 5, 1995 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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|---------------|---------------------|
| 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 HANK ANDERSON AND SECONDED BY JAY BRYAN TO APPROVE THE MINUTES OF AUGUST 22, 1995. VOTE: AFFIRMATIVE ALL

CERTIFICATE OF APPRECIATION PRESENTED

Mayor Kinnaird presented a certificate of appreciation to Melva Okun for her service to the town while serving on the OWASA Board of Directors.

CONCERNS ABOUT FLOODING

Katherine Cole, a resident of 208 Barington Hills Road, stated that the stream behind her house came 67 feet out of its banks during the recent heavy rain and that Autumn Drive flooded.. Ms. Cole expressed concern that the construction of Wexford and Arcadia have redefined the flood plain.

Stephanie Padilla, a resident of Autum Drive, expressed concern about the flooding that occurred during the rain storm on August 27th. Ms. Padilla suggested enlarging Arcadia's detention pond, limit the amount of runoff from Arcadia's paved road, and construct a detention pond to handle the runoff from Wexford.

Richard Ellington, a resident of 109 Bruton Drive, stated that the stream in his backyard got slightly out of its banks. Mr. Ellington stated that the water flow has been altered over the last ten to twelve years. Mr. Ellington expressed his concern that something be done before the Newsome property is developed.

Christie Santoro, with Student Environmental Action Coalition (SEAC), announced that SEAC will be holding a national conference at UNC Chapel Hill on October 13-15, 1995.

PUBLIC HEARING SET/1996-97 TRANSPORTATION IMPROVEMENT PROGRAM

The Town of Carrboro annually adopts a list of transportation projects that are to be included within the N.C. Department of Transportation's Transportation Improvement Program (TIP). The purpose of this agenda item was for the Board of Aldermen to set a public hearing for September 19, 1995 to receive public input on the recommended TIP for 1996-97.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MICHAEL NELSON TO SET A PUBLIC HEARING FOR SEPTEMBER 19, 1995. VOTE: AFFIRMATIVE ALL

The Board asked that a letter be sent to the Town of Chapel Hill ref. the Merritt Mill sidewalk..

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PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT TO INCLUDE REFERENCE TO THE TRANSPORTATION ADVISORY BOARD

The purpose of this item was to request that the Board of Aldermen set a public hearing for September 19, 1995 on a proposed amendment to the Land Use Ordinance which would add language to the ordinance referring conditional use permits and proposed amendments to the Transportation Advisory Board if the item involves community transportation issues.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR SEPTEMBER 19, 1995. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/REVIEW OF TIME WARNER'S PROPOSED RATES

Time Warner Cable submitted to the Town of Carrboro Form 1210 which was dated May 25, 1995 and received by the Town on June 6, 1995. The purpose of this item was to set a public hearing for September 12, 1995 to receive public comment on Time Warner's new cable rates.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JAY BRYAN TO SET A PUBLIC HEARING FOR SEPTEMBER 12, 1995. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

ACCEPTANCE OF DONATION OF CARR COURT PARK

James Harris, the town's Community and Economic Development Officer, stated that the purpose of this agenda item was to request that the Board of Aldermen accept the offer of donation by Ready Mixed Concrete Company of the Carr Court Park land to the town, authorize the Town Manager to begin the conditional use permit process to locate a Head Start facility on this property, and to authorize the administration to negotiate a lease arrangement with the Chapel Hill-Carrboro Head Start Program to allow the program to locate a classroom/meeting facility on the site.

Mary Bushnell, a member of the Board of Education, stated that this is a good example of business and government to improve the lives of the children of this community.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL TO ACCEPT THE DONATION OF LAND. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY RANDY MARSHALL TO AUTHORIZE THE MANAGER TO BEGIN THE CONDITIONAL USE PERMIT PROCESS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JACQUELYN GIST TO AUTHORIZE THE TOWN MANAGER TO NEGOTIATE A LEASE WITH THE CHAPEL HILL-CARRBORO CITY SCHOOL SYSTEM FOR A HEAD START PROGRAM. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CREATION OF A NEW LOT IN THE WATERSHED RESIDENTIAL ZONING DISTRICT/CRABTREE SUBDIVISION

This was a public hearing to review an application for a conditional use permit submitted by Robbie Crabtree which would subdivide an existing 12.94-acre tract of land into a 10.49-acre lot (which will include an existing house) and a 2.45-acre lot which will be used for future construction of one single-family home. The administration recommended approval of the C.U.P. The applicant has also requested a reduction in the C.U.P. base fee of \$600.00 since this C.U.P., if granted, would create only one additional lot in the watershed. The administration recommended that the base fee be reduced to \$250.00 and that the Miscellaneous Fees and Charges Schedule be amended for watershed subdivisions of four or less lots.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the site plan.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO GRANT THE CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

- a. That the property owner add to his final plat a second stream buffer of 50 feet on either side of the stream running along the west side of the telephone line, from the Mann property to the 410 foot topographic line.
- b. That a 20-foot impervious surface setback be added to both sides of this above-mentioned stream buffer.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO APPROVE AN AMENDMENT TO THE MISCELLANEOUS FEES AND CHARGES SCHEDULE TO REDUCE THE FEE FOR WATERSHED SUBDIVISIONS OF FOUR OR LESS LOTS FROM \$600 TO \$250, RETROACTIVE TO THE CRABTREE SUBDIVISION. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/ALTA SEASONS APARTMENTS

Deb Anderson of Paces Development Corp. has applied for a conditional use permit which would allow for the construction of 236 apartment units on 16.37 acres located at 222 Old Fayetteville Road between Willow Springs Long Term Care Center and the Ramsgate Apartments. The administration recommended approval of the C.U.P. with conditions.

Keith Lankford, the town's Zoning Administrator, was sworn in. Mr. Lankford presented the site plan, a plan showing the distribution of handicapped accessible units, the proposed sewer water plan, the drainage plan, and the landscape plan. Mr. Lankford also presented an alternative plan which would increase the number of specimen trees that could be saved. Mr. Lankford presented Alternative B plan which would save also increase the number of specimen trees and answered the Board's questions concerning this project.

Deb Anderson, representing Pace Development, was sworn in.. Ms. Anderson highlighted special features of the project. All first floor units will be accessible to handicapped, will have three-bedroom units, will have detached garage units, will have a private trash compactor, will have three recycling sites on the property, will be the first apartment complex in Carrboro to be fire sprinkled . Ms. Anderson stated that they would not support the loss of any buildings in this project. Ms. Anderson stated that they could go back to the Appearance Commission to get their approval of the type of brick to be used. Ms. Anderson stated that they are not proposing to install street lights on Old Fayetteville Road.

Jim Simpson, the landscaper for this project, was sworn in. Mr. Simpson stated that he had met with Wendy Wenck with the Appearance Commission and had come up with a more diversified list of plant specimens. Mr. Simpson stated that he was recommending eastern red buds be used. The amount of lawn area will be reduced to provide for natural areas.

Alex Zaffron, Chair of the TAB, was sworn in. Mr. Zaffron stated that the TAB supported the applicant's original parking plan. Mr. Zaffron stated that the TAB would like to see an access to Willow Creek Shopping Center. Mr. Zaffron stated that the TAB also had concerns about the car wash unless the waste went into the sewer system.

Kenneth Withrow, the town's Transportation Planner, was sworn in. Mr. Withrow answered questions concerning the access to Willow Creek Shopping Center.

M.C. Russell, representing the Planning Board, was sworn in. Mr. Russell commented on the Planning Board's recommendations for this project.

Luke Lucas, a surrounding property owner, was sworn in. Mr. Lucas spoke in favor of the original site plan rather than Alternative B .

Mayor Kinnaird requested that a letter from Ken Moore dated August 3, 1995 concerning this project be entered into the record. Mr. Moore's letter spoke in favor of moving some units from an earlier plan to the current one to occupy more of the northwestern corner of overcrowded young pines in an effort to save more of the larger

trees adjacent to the natural area along Tom's Creek. Mr. Moore's letter spoke in opposition to the inclusion of the car wash in the project

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO CONTINUE THIS PUBLIC HEARING TO SEPTEMBER 19, 1995. VOTE: AFFIRMATIVE ALL

The Board requested that the applicant submit a justification for the removal of existing trees eighteen inches in diameter or greater. In addition, the Board requested additional information on the recycling facilities to be provided on the site. And, that the town's consulting engineer be requested to submit a letter on the use of a detention pond versus discharge into the stream.

Keith Lankford introduced Trish McGuire, a new Zoning Specialist with the Zoning Division.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO CLARIFY CERTAIN PROVISIONS REGARDING OPEN SPACE

This was a public hearing to receive citizens' comments on a proposed amendment to the Land Use Ordinance which would clarify certain provisions regarding open space. The administration recommends adoption of the proposed ordinance.

Richard Ellington urged the Board not to change any Land Use Ordinance provisions prior to considering Small Area Planning Work Group report.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY CERTAIN PROVISIONS REGARDING OPEN SPACE" BE ADOPTED, AS AMENDED. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (ANDERSON, SHETLEY)

BUDGET AMENDMENT

The purpose of this item was to amend the 1995-96 budget to transfer funds reserved for street resurfacing from the Capital Reserve Fund to the General Fund to cover the contract awarded by the Board of Aldermen at its meeting on June 27, 1995.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'95-96 BUDGET ORDINANCE". VOTE: AFFIRMATIVE ALL

APPOINTMENT TO APPEARANCE COMMISSION

The chair of the Appearance Commission recommends that Richard Taylor be appointed to the vacant seat on the Appearance Commission.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON TO APPOINT RICHARD TAYLOR TO THE APPEARANCE COMMISSION. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO SHAPING ORANGE COUNTY STEERING COMMITTEE

On May 9, 1995, the Board of Aldermen approved the work program for the Shaping Orange County's Future Initiative. In addition, the Board approved the per capita basis for sharing project costs. The Board delayed making its two Board of Aldermen appointments to the Steering Committee. The purpose of this agenda item was for the Board to consider making its two appointments to the Shaping Orange County Steering Committee.

Alderman Bryan and Gist volunteered to serve as the town's representatives.

A RESOLUTION DESIGNATING INSTALLMENT PURCHASE CONTRACTS AS TAX-EXEMPT OBLIGATIONS OF THE TOWN

The following resolution was introduced by Alderman Hank Anderson and duly seconded by Alderman Jay Bryan.

**A RESOLUTION DESIGNATING INSTALLMENT PURCHASE CONTRACTS AS TAX-EXEMPT OBLIGATIONS OF THE TOWN
Resolution No. 5/95-96**

WHEREAS, the Town of Carrboro, through its duly elected Mayor, with the consent and approval of the Board of Aldermen, will be entering into contracts with BB& T Leasing Corporation for the purchase of:

- One (1) Side Loader Refuse Truck (Sanitation)
- Three (3) Police Patrol Cars
- One (1) Asphalt Roller (Streets)
- One (1) Shoulder Mower (Streets)
- One (1) One-Ton Utility Truck (Streets)
- One (1) Rider Mower (Landscaping)
- One (1) Mowing Tractor (Landscaping)

WHEREAS, the said contracts qualify as tax-exempt obligations of the town, pursuant to the Internal Revenue Code of 1986.

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

Section 1. The aforesaid contracts by and between the Town of Carrboro and Southern National Leasing Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as a qualified tax-exempt obligations of the town for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

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 9th day of May, 1995:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

NOISE FROM UNC FOOTBALL GAMES

Alderman Gist requested the town staff find out how many night football games will be played this season.

JUNKED CARS AT CEDAR COURT APARTMENTS

Alderman Gist requested that the Town Manager follow up on why the two junked cars located in Cedar Court Apartments have not been removed.

PUBLIC COMMENTS ON STRATFORD ROAD EXTENSION

It was the consensus of the Board set aside 30 minutes on its September 26th agenda to hear comments from the residents of Wexford and Cates Farm concerning the extension of Stratford Drive. The Board requested that notices be sent to the residents of Cates Farm and Wexford.

FLOODING IN AREA OF BARRINGTON HILLS

The Board requested that the town's consulting engineer review the letters from Katherine Cole and Stephanie Padilla concerning the recent flooding problem in Barrington Hills and prepare an analysis of the situation and provide any recommendations and options concerning this matter.

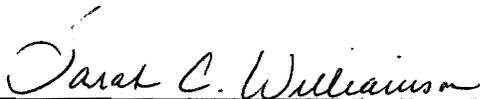
DEDICATION OF WEAVER FAMILY CEMETERY

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON TO REQUEST THE CEMETERY COMMISSION TO PLAN A DEDICATION CEREMONY FOR THE WEAVER FAMILY CEMETERY, THAT REPRESENTATIVES OF DESCENDANTS OF THE WEAVER FAMILY AND OTHER INTERESTED PARTIES BE INVITED TO THE CEREMONY, AND THAT THE COMMITTEE CONSIDER THE FOLLOWING:

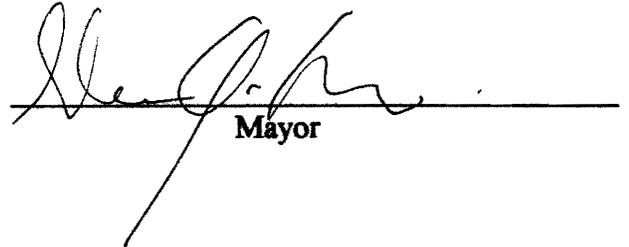
- a. Placement of a new fence around the entire cemetery;
- b. Installing a sign or marker identifying the Weaver Family Cemetery.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JAY BRYAN TO ADJOURN TO CLOSED SESSION TO DISCUSS THE PURCHASE OF PROPERTY. VOTE: AFFIRMATIVE ALL



Town Clerk


Mayor