

124 A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 16, 1996 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

| | |
|---------------|---------------------|
| Mayor | Michael Nelson |
| Aldermen | Hank Anderson |
| | Jay Bryan |
| | Hilliard Caldwell |
| | Jacquelyn Gist |
| | Diana McDuffee |
| | Alex Zaffron |
| Town Manager | Robert W. Morgan |
| Town Clerk | Sarah C. Williamson |
| Town Attorney | Michael B. Brough |

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE THE MINUTES OF DECEMBER 18 AND 19, 1995. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/CHAPEL HILL-CARRBORO HEADSTART PROGRAM

The administration requested that the Board of Aldermen set a public hearing for February 13, 1996 to review an application for a conditional use permit which would allow for the construction of a Headstart facility to be located at the intersection of Hargraves Street and Wesley Street.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR FEBRUARY 13, 1996. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/VOLUNTARY ANNEXATION OF A PORTION OF THE LAKE HOGAN FARMS SUBDIVISION

Dale Redfoot, representing the Lake Hogan Farms Subdivision, has submitted a petition requesting the non-contiguous annexation of 29.13 acres of the Lake Hogan Farms Subdivision. The administration requests that the Board of Aldermen adopt a resolution setting a public hearing for February 6, 1996.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION SETTING A PUBLIC HEARING TO
 CONSIDER THE ANNEXATION OF
 29.13 ACRES OF PHASE I, LAKE HOGAN FARMS SUBDIVISION
 UPON THE REQUEST OF THE PROPERTY OWNERS
 Resolution No. 21/95-96

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of the Lake Hogan Farms Subdivision requesting that a portion of their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen shall hold a public hearing on February 6, 1996 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

Section 3. 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 16th day of January, 1996:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

CONTINUATION OF PUBLIC HEARING/REZONING OF OLD DOT-N-DASH AND PUBLIC WORKS FACILITY FROM B-3 TO O/A

The Board of Aldermen received public comment on a petition to rezone property, which contains the old Dot-N-Dash Store and the Public Works Facility, along Smith Level Road and the NC 54 Bypass from B-3 to O/A (Office/Assembly).

Roy Williford, Planning and Economic Development Director, stated that the town staff was recommending approval of the rezoning request.

Gena Wicker spoke in favor of the proposed rezoning.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE LOTS (APPROXIMATELY 8 ACRES IN SIZE) LOCATED ON SMITH LEVEL ROAD FROM B-3 (NEIGHBORHOOD BUSINESS) TO O/A (OFFICE ASSEMBLY). VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/OLD MILL VILLAGE

The Board of Aldermen deliberated and vote on the conditional use permit request submitted by Bill Spang on behalf of Duncan Yaggy which, if granted, would allow for the subdivision of an existing 20.155-acre tract into 91 lots and construction of 63 single-family, detached homes, 28 townhomes, and 30 accessory apartments for a total of 121 units. This property is located at 216 Roberson Street.

Mike Brough presented a report on his meeting with representatives of Rogers Triem and representatives of the Old Mill Village development concerning an access from Old Mill Village to South Greensboro Street.

Ken Bagwell, attorney for The Yaggy Corporation, was sworn in. Mr. Bagwell stated that the condition proposed by the Town Attorney imposes additional costs on the developer but the developer is willing to accept the condition.

MOTION WAS MADE BY HILLIARD CADLWELL AND SECONDED BY HANK ANDERSON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO APPROVE THE FOLLOWING CONDITIONS:

1. That the developer adjust the 20-foot wide bikepath easement during the construction plan approval process as necessary to meet with OWASA's approval and that the developer modify the OWASA sewer easement agreement at that same time to accommodate the 20-foot wide bikepath easement as per OWASA's requirements.

2. That drainage plans be created during the building permit approval process for individual lots, including roof drains and methods to handle off-site stormwater run-off.
3. That a secondary erosion control plan be created during the building permit approval process to require the installation of any erosion control structures on individual lots during home construction as deemed necessary by the town engineer and/or the Orange County Erosion Control Officer. This restriction shall be established as a note final plat. Any necessary erosion control structures must be shown on the plot plan prior to the building permit approval, and the structures must be installed on the lot prior to any grading or clearing operations.
4. That the Ginkgo "Gingko biloba" trees should consist of only male trees since these do not have the fruit that the female trees have.
5. That an architectural code be established as part of the development's codes, covenants and restrictions. This code should take into account the local vernacular. Also, the Maple Avenue Preservation District Commission should be given the opportunity to comment on this proposed architectural code.

AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE BIKEPATH SHOULD NOT GO THROUGH THE CEMETERY UNLESS SUCH A ROUTE IS FIRST APPROVED BY THE CEMETERY COMMITTEE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT THE DEVELOPER SHALL PROVIDE A MINIMUM 10-FOOT UNDISTURBED COMMON BUFFER AND ADDITIONAL 20-FOOT SETBACKS ALONG THE PROPERTY LINES OF OLD MILL VILLAGE (LOTS 13, 18 AND 19) THAT ABUT THE EASTERN AND SOUTHERN BORDERS OF THE MAPLE AVENUE PROPERTIES. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON THAT TO THE EXTENT POSSIBLE, THE DEVELOPER SHOULD PRESERVE MATURE TREES IN THE DEVELOPMENT AND AROUND THE BOUNDARY AREAS OF THE DEVELOPMENT IN KEEPING WITH THE TOWN'S TREE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT, TO THE EXTENT CONSISTENT WITH THE TOWN'S ORDINANCE AT THE TIME OF CONSTRUCTION OF THE STREETS WITH REGARD TO THE EXTENSION OF MAPLE AVENUE, THE DEVELOPER SHALL CONTINUE THE ASPHALT ROLLED EDGE AND DITCH DESIGN AND NARROW RIGHT-OF-WAY OF 34.20 FEET OF MAPLE AVENUE AND THE EXISTING 16-FOOT STREET WIDTH OF MAPLE AVENUE IS AN INTEGRAL COMPONENT OF THE MAPLE AVENUE NEIGHBORHOOD AND SHOULD CONTINUE, AS AN EXCEPTION TO THE LAND USE ORDINANCE, ON THE MAP AVENUE EXTENSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT EXISTING TREES SHALL BE USED WHEREVER POSSIBLE FOR THE DEVELOPER TO MEET THE STREET TREE REQUIREMENTS. NO LIGHTING NOT IN KEEPING WITH THE STREET LIGHT TYPE, SIZE AND FREQUENCY, SHALL BE REQUIRED ALONG THE EXTENSION OF MAPLE AVENUE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT BECAUSE THE CONSISTENT LOT WIDTHS OF MAPLE AVENUE CREATE A STRONG RHYTHM ALONG MAPLE AVENUE WHICH CONTRIBUTES SIGNIFICANTLY TO THE OVERALL CHARACTER OF THE NEIGHBORHOODS, THE STREET FRONTAGE FOR ANY NEW LOTS ON THE MAPLE AVENUE EXTENSION SHALL BE BETWEEN 85 FEET TO 90 FEET IN WIDTH. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (ZAFFRON, CALDWELL, ANDERSON, MCDUFFEE)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT THE RESTRICTIVE COVENANTS OR DEEDS FOR NEW LOTS ON THE MAPLE AVENUE EXTENSION MUST REQUIRE THAT THE DESIGN OF THESE HOMES BE COMPATIBLE WITH THE SITING, SETBACK, MASSING, SCALE, RHYTHM AND MATERIALS OF THE HOUSES ALONG MAPLE AVENUE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT ALL CONSTRUCTION VEHICLES RELATING TO THE CONSTRUCTION OF THE OLD MILL VILLAGE, EXCEPT FOR CONSTRUCTION VEHICLES RELATING TO THE CONSTRUCTION OF THE HOUSES ON MAPLE AVENUE EXTENSION, SHALL BE PROHIBITED ON MAPLE AVENUE. AS TO

127

CONSTRUCTION VEHICLES RELATING TO THE CONSTRUCTION OF THE HOUSES ON MAPLE AVENUE EXTENSION, TO THE EXTENT POSSIBLE, ALL SUCH VEHICLES SHALL ALSO BE PROHIBITED ON MAPLE AVENUE.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT ALL DRAINAGE ISSUES AND PROBLEMS ASSOCIATED WITH OLD MILL VILLAGE, INCLUDING THOSE PROBLEMS DESCRIBED IN SUNGATE DESIGN GROUP'S LETTER DATED NOVEMBER 30, 1995, BE ADDRESSED BY THE DEVELOPER AS AGREED UPON IN THE LETTER OF PHIL POST DATED DECEMBER 4, 1995, AND WITH ANY OTHER MEASURES REQUIRED BY THE STAFF. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON THAT PRIOR TO CONSTRUCTION PLAN APPROVAL FOR PHASE 4, THE APPLICANT SHALL CAUSE TO BE EXECUTED AND RECORDED THE FOLLOWING AGREEMENT TO ALLOW ACCESS FROM OLD MILL VILLAGE TO SOUTH GREENSBORO STREET:

(A) AN EASEMENT FROM ROGERS TRIEM, INC. APPURTENANT TO THE OLD MILL VILLAGE PROPERTY, AUTHORIZING EGRESS FOR THE VEHICULAR TRAFFIC FROM THE OLD MILL VILLAGE PROPERTY TO SOUTH GREENSBORO STREET, AND ALLOWING INGRESS AND EGRESS TO AND FROM SOUTH GREENSBORO STREET FOR EMERGENCY SERVICE VEHICLES, SUCH EASEMENT TO EXPIRE AUTOMATICALLY UPON THE ACQUISITION BY THE TOWN OF A PUBLIC RIGHT-OF-WAY PROVIDING ACCESS FROM GREENSBORO STREET TO THE OLD MILL VILLAGE PROPERTY. THE LOCATION AND CONFIGURATION OF THIS EASEMENT SHALL BE SUBSTANTIALLY AS SHOWN ON THE ATTACHED DIAGRAM, WHICH SHALL BECOME EXHIBIT "A" TO THE PERMIT, EXCEPT THAT IT IS UNDERSTOOD THAT THIS EASEMENT MAY PROVIDE THAT IT CAN BE RELOCATED BY ROGERS TRIEM, INC. AT ITS EXPENSE SO LONG AS THE RELOCATED EASEMENT CONTINUES TO SERVE THE SAME FUNCTION. IT IS FURTHER UNDERSTOOD THAT THE EASEMENT SHALL BE GRANTED CONTINGENT UPON ABANDONMENT BY THE TOWN OF THE EXISTING RAND ROAD RIGHT-OF-WAY, AND THAT THE EASEMENT SHALL ALSO RECITE THAT, UPON REDEVELOPMENT OF THE ROGERS TRIEM PROPERTY, IT IS EXPECTED THAT THE TOWN WILL REQUIRE THAT A PUBLIC STREET BE CONSTRUCTED AND DEDICATED PROVIDING ACCESS FROM SOUTH GREENSBORO STREET THROUGH THE ROGERS TRIEM PROPERTY AND CONNECTING TO THE PUBLIC STREET AT THE SOUTHERN TERMINUS OF THE OLD MILL VILLAGE PROPERTY.

(B) TO THE EXTENT NECESSARY, AN AGREEMENT TO THE MATTERS SET FORTH IN SUBPARAGRAPH (A) SHALL BE EXECUTED BY THE OWNERS OF THE PROPERTY IMMEDIATELY ADJOINING THE ROGERS TRIEM TRACT TO THE SOUTHEAST.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON THAT THE APPLICATION BE GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/REZONING REQUEST/BOLIN FOREST, PHASE I FROM R-SIR AND R-15 TO R-10

The purpose of this item was for the Board to Aldermen to hold a public hearing and consider a petition to rezone property located on the north side of North Greensboro Street and east of Bolin Forest Drive known as Bolin Forest, Phase I. The request is to rezone this property from R-SIR to R-15 and R-10.

Roy Williford explained the proposed rezoning application and stated that the administration recommended approval of the rezoning request.

Bob Anderson stated that he would be designing the development for this land. Mr. Anderson presented a master plan for the development of Bolin Forest which included the entire 84 acres. Mr. Anderson stated that with the town's required 40% open space, 58 units could be constructed under the proposed rezoning.

John Tappan, a resident of 501 Bolin Creek Drive, stated that the Bolin Forest Homeowners Association has the following concerns about the proposed zoning change to Bolin Forest, Phase I and requested that the Board of Aldermen obtain the answers to these issues before changing the zoning from R-15 to R-10: increased water run-off from hard surfaces in the denser development; traffic on Bolin Forest Drive; school bus safety;

maintaining lot sizes consistent with the detached home sections of the current Phase I development; and preserving the trees along Bolin Forest Drive.

Larry East, President of Bolin Forest, Phases 3 and 4, stated that R-10 is out of character with Bolin Forest. Mr. East spoke against the rezoning of this property and the development of the land along Bolin Forest Drive which is not buffered.

John Gude, Richard Potter, Jerry Llewellyn agreed with the comments made by Mr. East.

Anne Sheffield stated that rezoning this property to R-10 will increase the number of houses that can be built on smaller lots. Ms. Sheffield presented slides of the existing property.

David Burton asked that a public swimming pool be constructed somewhere in the community.

Cliff Haac stated that it will be a shame to lose this property as it now exists. Mr. Haac asked that the Board consider the affects of development on Bolin Creek.

Robert Dowling stated that the town should try to hold on to the Bolin Forest look in Carrboro.

Carla Ball requested that the Board keep in mind impervious surface and its affect on the environment.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO CONTINUE THIS PUBLIC HEARING TO FEBRUARY 6, 1996 AND REQUESTED INFORMATION ON THE TRAFFIC IMPACTS ON BOLIN FOREST DRIVE AND NORTH GREENSBORO AND THAT THE SCHOOL BOARD BE REQUESTED TO COMMENT ON THIS REZONING. IN ADDITION, THAT THE TOWN STAFF SUPPLY ADDITIONAL INFORMATION ON THE CONSTRAINTS OF THIS PROPERTY. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/NEIGHBORHOOD STREET DESIGN ALTERNATIVES

The purpose of this item was to allow public comment on revised neighborhood street designs proposed by the Neighborhood Roadway Design Steering Committee. The administration requested that the Board direct the town staff to draft ordinance amendments for minimum right-of-way widths, sidewalk widths, as well as tree requirements, and direct the town staff to refer the ordinance amendments to the Transportation Advisory Board, Planning Board and Appearance Commission for their review, and that the Board set a public hearing for February 20, 1996 on the proposed amendments.

Marianne Fiorentino gave a brief history of the work of the Street Design Steering Committee.

Kenneth Withrow, the town's Transportation Planner, presented information on the affects of street and sidewalk construction on trees.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO DIRECT STAFF TO DRAFT STANDARDS FOR AN ORDINANCE AMENDMENT FOR MINIMUM RIGHT OF WAY WIDTH, PAVEMENT WIDTH, SIDEWALK WIDTH, AS WELL AS TREE REQUIREMENTS FOR EACH OF THE DESIGNS (A, 1-A, 2, 2-A, 3 AND 3-A) AND THAT THE TOWN STAFF REPORT BACK TO THE BOARD ON FEBRUARY 6, 1996 ON A TIME FRAME FOR PREPARING THE PROPOSED AMENDMENTS. VOTE: AFFIRMATIVE ALL

REQUEST FOR FOUR-WAY STOP SIGNS/COBBLESTONE DRIVE AND PATHWAY DRIVE

Several residents of the Cobblestone Subdivision have requested that the Town of Carrboro install a four-way stop sign at the intersection of Cobblestone Drive and Pathway Drive. The administration recommended that the Board adopt the ordinance amending the Carrboro Town Code designating "four-way" stop signs at the intersection of Cobblestone Drive and Pathway Drive.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE DESIGNATING 4-WAY STOP SIGNS AT THE INTERSECTION OF COBBLESTONE DRIVE AND PATHWAY DRIVE." VOTE: AFFIRMATIVE ALL

DISCUSSION OF STATUS OF TOWN CLERK'S POSITION

The Board was scheduled to discuss whether to remove the Town Clerk's position from the town's Pay Plan as are, the other Board appointed positions, i.e., Town Manager and Town Attorney. If the Board wishes to take this action, the Town Attorney will need to prepare the necessary Town Code amendments for the Board's consideration.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO DIRECT THE TOWN ATTORNEY TO DRAFT THE NECESSARY ORDINANCE AMENDMENTS TO REMOVE THE TOWN CLERK'S POSITION FROM THE TOWN'S PAY PLAN. VOTE: AFFIRMATIVE ALL

CANCELLATION OF BOARD MEETING

The administration requested that the Board cancel its regular meeting scheduled for January 23, 1996 as this meeting follows the Board's Planning Retreat on January 21st and 22nd.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HANK ANDERSON TO CANCEL THE JANUARY 23, 1996 BOARD MEETING. VOTE: AFFIRMATIVE ALL

TOLLING ORDER FOR CABLE T.V.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A TOLLING ORDER EXTENDING THE REVIEW PERIOD FOR TIME WARNER'S CABLE RATES TO APRIL 19, 1996. AFFIRMATIVE ALL

ADDRESSING FOR ROUTE 11

Alderman Caldwell requested that the town staff check with the postal service to determine why the mail carrier for Route 11 is changing the address on the mail to a Hillsborough Road street address causing mail delivery delays.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON THAT THE MEETING BE ADJOURNED AT 11:00 PM VOTE: AFFIRMATIVE ALL

Michael R. Nelson
Mayor

Sarah C. Williamson
Town Clerk