

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 17, 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 MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO ADOPT THE DECEMBER 10, 1996 MINUTES. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT TO INCLUDE O AND OA IN PUD

The administration requested that the Board of Aldermen set a public hearing for January 21, 1997 on a land use ordinance text amendment which incorporates the O and O/A zoning designations into the PUD zoning districts. The administration requested that the proposed amendment be referred to the Planning Board for its review and recommendation.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR JANUARY 21, 1997. VOTE: AFFIRMATIVE ALL

CHARGE ISSUED TO NEW BOARD APPOINTEE

The Town Clerk issued a charge to Rena Ramsey-Caldwell, a recent appointee to the Human Services Commission.

CONTINUATION OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/UNIVERSITY COMMONS CONDOMINIUMS

Scott Brunet, of Onsite Corporation, has applied for a conditional use permit to construct 72 condominiums in six separate, three-story buildings on a 17.162-acre tract of land located at 303 Smith Level Road. The property is located on the eastern side of Smith Level Road, just south of Morgan Creek and the Frank Porter Graham Middle School, and is identified as Tax Map 122, Block B, Lot 18.

Keith Lankford stated that the town cannot require the developer to construct a sidewalk along the eastern side of their property or require a payment in lieu. The developer has modified their site plans to show the provision of a new section of sidewalk for bicycle and pedestrian use leading from the recreation area and building "D" over to the emergency entrance/exit. In addition, they are showing a small section of additional pavement around the southern side of the proposed gate across the emergency access drive so that bicycles and pedestrians can maneuver around the gate to gain access to and from Smith Level Road. The developer is proposing to install new plantings in areas where grading operations will result in the loss of significant areas of existing trees. At the request of Berryhill Subdivision residents, the developer has submitted an alternative site plan which shows the pool and clubhouse being relocated to a position away from Smith Level Road. This suggested plan would result in additional grading and tree loss. Mr. Lankford stated that there is a significant amount of being retained to screen the detention facility from view of Smith Level Road. Mr. Lankford stated that a letter from the Town Engineer had been provided to the Board which confirms their approval of the project as designed.

Henry Wells, the town's engineer, stated that he had not received any grading plans for the relocation of the pool. Mr. Wells stated that it would not be an easy location to place the pool to the rear of the property because

of the drop off of the land. Any grading in the rear of the property will severely impact the stream located in that area.

Phil Post, the developer's engineer, presented a site plan showing the alternative proposal which locates the pool to the rear of the property. Mr. Post stated that they can use some retaining walls to the rear of the property if the pool were relocated. Mr. Post stated that only two significant trees would be lost if the pool were relocated. Mr. Post explained the changes in the drainage plans due to the relocation of the pool. Mr. Post stated that the alternative plan reflects the grading that has to be done for the widening of Smith Level Road and for the installation of the bus pull-off. OWASA will be installing the water station at the corner of their property to serve the UCC Living Center. Mr. Post stated that the developer would accept the alternative pool proposal and installation of the Type A screen. Mr. Post stated that Resolute Building Company will be constructing this project and are very aware of the concerns of the community. Mr. Post stated that they have been very conservative in their tree save areas. Mr. Post stated that there will be property managers on site and on-site property owners and a homeowners association.

Tom Heffner was sworn in. Mr. Heffner commented on the quality and maintenance of student housing. Mr. Heffner stated that there is a pride of ownership associated with student housing which is owned by a parent of one of the students.

Greg Shepard, with Phil Post and Associates, commented on how this development complies with the town's Year 2000 Task Force Report.

Scot Brunet stated that a meeting had been held with the Berryhill residents and they had prepared a letter in response to their concerns. Mr. Brunet presented a letter from Action Appraisal Company stating that in the opinion the proposed project should have no negative financial impact on any of the values of adjoining properties. Mr. Brunet asked the Board's consideration in approving this project so that they can meet their August, 1997 completion date.

Tom Heffner stated that it was his opinion that adjoining property values will not be diminished by the proposed University Commons development.

Julie Coleman, a resident of 809 Smith Level Road, was sworn in. Mr. Coleman expressed concern about the increase in traffic on Smith Level Road.

Ed Bawmgarter asked what the impact of this development will be on Smith Level Road because of the construction of this development. Mr. Bawmgarter questioned what would happen if the dam on the retention pond blew out. Mr. Bawmgarter stated that this development will impact visually on Smith Level Road. Mr. Bawmgarter questioned the impact on the environment by this development.

Dexter Smite presented a letter from the current property owner, Patricia Bains stating concern for the last minute efforts by the neighbors surrounding this property to stop the development of this property.

Larry Kobesky, a resident of 508 Manor Ridge Drive, was sworn in. Mr. Kobesky stated that he feels the proposed development will not fit into the current land use plan for that area and that he does not feel the proposed development will enhance the area and will increase traffic along Smith Level Road.

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

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

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL 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 THAT 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. 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. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the property owner submit a petition for annexation prior to construction plan approval.
2. That the Smith Level Road improvements (including the dedication of additional right-of-way, and the provision of lane widening, turn lanes, tapers, sidewalk, a bus pull off and bus shelter) be provided as shown on Sheet C-5 of the conditional use permit plan set with revisions, and approval by the Town Engineer, Public Works Director, North Carolina Department of Transportation, and Chapel Hill Transit Authority prior to construction plan approval.
3. That the items noted in OWASA's letter dated October 29, 1996 be addressed prior to construction plan approval.
4. That all relevant cross easements and a joint maintenance agreement be recorded between this project and the property owner to the south (currently proposed as the UCC Living Centers) prior to construction plan approval.
5. That the handicapped units be moved closer to the recreation area.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON THAT THE REQUESTED DELETION OF 46 PARKING SPACES BE APPROVED AS AUTHORIZED BY SECTION 15-292 AND 150-316(D) BECAUSE OF THE TREE LOSS WHICH WOULD RESULT FROM THE PROVISION OF SUCH PARKING SPACES. HOWEVER, NO PARKING SHALL BE PERMITTED IN ANY PORTION OF ANY DESIGNATED FIRE LANE THROUGHOUT THE SITE, AND IF PARKING ROUTINELY OCCURS WITHIN A FIRE LANE, THEN THE DEVELOPER OR THE CONDOMINIUM HOMEOWNER ASSOCIATION SHALL BE REQUIRED TO ADD THE PARKING SPACES (OR SOME PORTION THEREOF) WHICH ARE AUTHORIZED TO BE DELETED THE DEVELOPER WILL POST ADEQUATE FINANCIAL SECURITY TO ASSURE THAT THIS CONDITION CAN BE FULFILLED WITHIN A YEAR OF THE ISSUANCE OF THEIR LAST CERTIFICATE OF OCCUPANCY. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL THAT THE DEVELOPER BE ALLOWED TO DELETE 28 PARKING SPACES AS AUTHORIZED BY SECTIONS 15-292 AND 15-316(D) OF THE LAND USE ORDINANCE BECAUSE OF THE TREE LOSS WHICH WOULD RESULT FROM THE PROVISION OF SUCH PARKING SPACES. HOWEVER, NO PARKING SHALL BE PERMITTED IN ANY PORTION OF ANY DESIGNATED FIRE LANE THROUGHOUT THE SITE, AND IF PARKING ROUTINELY OCCURS WITHIN A FIRE LANE, THEN THE DEVELOPER OR THE CONDOMINIUM HOMEOWNERS ASSOCIATION SHALL BE REQUIRED TO ADD THE PARKING SPACES (OR SOME PORTION THEREOF) WHICH ARE AUTHORIZED TO BE DELETED. THE DEVELOPER WILL POST ADEQUATE FINANCIAL SECURITY TO ASSURE THAT THIS CONDITION CAN BE FULFILLED WITHIN A YEAR OF THE ISSUANCE OF THEIR LAST CERTIFICATE OF OCCUPANCY. AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT THE DEVELOPER GRANT A PUBLIC EASEMENT WITHIN THE AREA ALONG MORGAN CREEK WITHIN AN AVERAGE OF A PERPENDICULAR DISTANCE OF 60 FEET FROM THE EDGE OF THE FLOODPLAIN OF MORGAN CREEK. AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, A PROPERLY EXECUTED PROPERTY MANAGEMENT AGREEMENT SHALL BE SUBMITTED TO THE TOWN. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON THAT THE DEVELOPER'S ALTERNATIVE PROPOSAL TO RELOCATE THE CLUBHOUSE AND POOL TO THE EAST SIDE OF THE PROPERTY BE APPROVED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED AND HANK ANDERSON THAT, IF THE WOODS AND TREES CURRENTLY INDICATED AS BEING SAVED ON THE PLANS AND CREATING A BUFFER FOR THE DETENTION POND DO NOT PROVIDE A TYPE "A" SCREEN, THAT THE DEVELOPER INSTALL THE SCREENING NECESSARY TO PROVIDE A TYPE "A" SCREEN AROUND THE DETENTION POND. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON THAT THE SCHEMATICS OFFERED FOR THIS PROJECT INCLUDE TWO AND THREE BEDROOM UNITS, AS WELL AS FOUR BEDROOM UNITS, AND THAT THE MARKETING OF THOSE UNITS BE EXPANDED TO INCLUDE FIRST-TIME HOMEBUYERS AS WELL AS THE MARKET IDENTIFIED BY THE DEVELOPER. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON THAT THE PLAYING FIELD REQUIREMENT BE WAIVED FOR THE PROJECT AND THAT THE DEVELOPER PROVIDE A TRAIL IN REPLACEMENT OF THE WAIVED REQUIREMENT. VOTE: AFFIRMATIVE ALL

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

PINE STREET RESIDENTIAL TRAFFIC MANAGEMENT PLAN

Kenneth Withrow, the town's Transportation Planner, stated that the Board of Aldermen at its meeting on June 25, 1996 directed the town staff to set up a meeting with Pine Street residents and Board of Aldermen representatives to discuss traffic management options. The purpose of this item was to review traffic analysis of volumes and speeds along Pine Street and recommend to the Board traffic management remedies along Pine Street. Mr. Withrow presented a video showing an undulation in Greensboro.

Mr. Withrow stated that the administration requested that the Board accept the petition as presented by the residents of Pine Street with the exception that "parabolic crown" undulations with thermoplastic rumble strips be installed instead of speed tables. If the Board wished to explore the installation of these devices, then the town will include funding as part of the FY'97-98 budget. The administration further recommended that the Board consider the extent to which they wish to fund the installation of these devices if they succeed in their function.

Ricki Geiger, a resident of Pine Street, asked what speed cars would have to go over the proposed rumble strip.

Kenneth Withrow stated that cars would have to slow to below 25 mph to go over the rumble strip and that appropriate signs would be installed to warn motorists of the rumble strips.

Ricki Geiger stated that speeding is a major problem on Pine Street.

Roy Williford stated that in reviewing the traffic counts, the traffic volume does not seem to warrant traffic control devices. The speed of traffic would be reduced with the installation of the traffic control devices.

Ellen Perry, Chair of the Transportation Advisory Board, read a statement from Mari Christmas, which stated that the residents of James Street wish to have undulations installed. Ms. Perry asked that the Board develop criteria for installation of undulations.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JAY BRYAN TO ACCEPT THE PETITION FOR TRAFFIC CONTROL DEVICES FROM THE PINE STREET RESIDENTS AND THAT THE TOWN STAFF BE AUTHORIZED TO INSTALL TWO PARABOLIC CROWN UNDULATIONS WITH THERMOPLASTIC RUMBLE STRIPS ON PINE STREET WITH APPROPRIATE SIGNAGE; THAT THE INSTALLATION OF THESE TRAFFIC CONTROL DEVICES BE TERMED AS A PILOT PROJECT FOR THE TOWN, WITH THE UNDERSTANDING THAT SIMILAR REQUESTS BE ACCEPTED BY THE TOWN, BUT HELD IN ABEYANCE UNTIL THE RESULTS OF A STUDY IDENTIFYING CRITERIA BOTH FOR INSTALLATION AND A MECHANISM FOR FUNDING THESE DEVICES HAVE BEEN DEVELOPED; AND THAT THE NECESSARY FUNDING (\$1,600) BE TRANSFERRED FROM THE GENERAL FUND CONTINGENCY TO COVER THE INSTALLATION OF THESE DEVICES. VOTE: AFFIRMATIVE ALL

WORKSESSION AND REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/ON-STREET PARKING REQUIREMENTS

The Board of Aldermen adopted text amendments that revised residential street standards on August 27th and November 19th. The purpose of this item was to: (1) address parking on residential streets; (2) set a public hearing for January 21, 1997; and (3) refer the proposed amendment to the Planning Board and Transportation Advisory Board for review and comment.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON TO SET A PUBLIC HEARING FOR JANUARY 21, 1997 AND REFER THE PROPOSED AMENDMENT TO THE TAB AND PLANNING BOARD FOR REVIEW. VOTE: AFFIRMATIVE ALL

INFORMATION ON GRADUATED DRIVER LICENSE PROPOSALS AND STATISTICS ON ACCIDENTS INVOLVING MOTOR VEHICLES OPERATED BY PERSONS LESS THAN 19 YEARS OF AGE

The purpose of this agenda item was to provide the Board of Aldermen with information on the current proposals being advocated concerning a Graduated Driver Licensing Program for persons under 18 years of age and to provide information on accidents in Orange County involving motor vehicles operated by persons less than 19 years of age.

Alderman Bryan asked that the town staff prepare a resolution requesting the State Legislature to consider the graduated licensing proposal, incorporating the facts presented in the report from the Highway Safety Research Center, with specific examples of fatal or near fatal accidents involving teenagers in our community.

Mayor Nelson requested that a meeting with the legislative delegation be set for early February, 1997.

APPOINTMENT TO AGENDA PLANNING COMMITTEE

The Board of Aldermen considered making an appointment to the Agenda Planning Committee to replace Alderman Gist, whose term expires on December 31, 1996.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO RE-APPOINT ALDERMAN GIST TO SERVE ON THE AGENDA PLANNING COMMITTEE. VOTE: AFFIRMATIVE ALL

REPORT FROM SMALL AREA PLAN FACILITATION STEERING COMMITTEE

Alderman Bryan presented the Facilitation Steering Committee's Areas of Consensus for a Facilitated Process for the Small Area Planning Study Area to the Mayor and Board of Aldermen for consideration.

REQUEST TO ALLOCATE FUNDS TO CONDUCT CABLE T.V. SURVEY

The town's cable t.v. consultant has recommended that all municipalities in the Triangle J Council of Governments Cable T.V. Consortium administer a cable t.v. subscriber satisfaction survey. The purpose of this agenda item was to request that \$650.00 be allocated to administer the survey.

The Board requested that the survey be amended to: (i) add a question asking for feedback on the tier one services; (ii) amend question #17 to read: "Local governments are permitted by the FCC to regulate and monitor "only" basic cable rates and services....."; (iii) add an additional question asking what channels subscribers would like to add.

BOARD OF ALDERMEN'S MEETING SCHEDULE

Mayor Nelson requested that the Agenda Planning Committee not schedule a meeting of the Board of Aldermen during the Chapel Hill-Carrboro City Schools' spring break.

MOTION WAS MADE BY AND SECONDED BY TO ADJOURN AT 11:35 P.M. VOTE: AFFIRMATIVE ALL
