A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 11, 2000 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Michael Nelson
Aldermen Joal Hall Broun
Mark Dorosin
Jacquelyn Gist
Diana McDuffee

Allen Spalt Alex Zaffron

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

INTRODUCTION OF NEW STAFF MEMBER

Mr. Morgan introduced Ruth Heaton, the town's newly hired GIS Specialist.

TREE CUTTING BY DUKE POWER COMPANY

Adam Versenyi, a resident of 205 Oleander Road, expressed concern about the trees that Duke Power Company plans to cut on his property. Mr. Versenyi stated that Duke Power would be removing limbs from these trees and he, as the property owner will be responsible for removing the debris.

Alderman Spalt explained that meetings had been held with Duke Power and with the affected residents, but that Duke Power was unwilling to alter its rigid standards.

It was the consensus of the Board to send letters to the chief executive officer of Duke Power, the Utilities Commission and to the <u>Charlotte Observer</u> expressing the town's concern and disappointment about how Duke Power is cutting trees in Carrboro

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE DECEMBER 14, 1999 MINUTES. VOTE: AFFIRMATIVE ALL

<u>PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO ALLOW 3.130 USES IN THE "0"</u> <u>ZONE</u>

Staff identified the need to consider the provisions pertaining to permissible uses in the "0" Zone. A draft ordinance that, if adopted, amends the table of permissible uses for the "0" district, presented. Following the receipt of public comment on this matter, the administration recommended that the Board of Aldermen consider the proposed ordinance.

Trish McGuire, the town's Planning Administrator, made the staff presentation.

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

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW 3.130 USES IN THE OFFICE (0) ZONING DISTRICT WITH A ZONING OR A CONDITIONAL USE PERMIT." VOTE: AFFIRMATIVE ALL

Alderman McDuffee asked that the town staff suggest other zoning categories or ways that the property where the "0" zone is located could be used without the existing restraints.

Alderman Dorosin requested that the town staff investigate whether there are other parcels that would be more appropriately located in the "0" zone.

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO CREATE SINGLE-ROOM OCCUPANCY CLASSIFICATION

In February 1999, during a review of the situation at the Merritt Mill Square apartments, the Board of Aldermen requested that staff investigate the creation of a "single-room occupancy" residential classification. In follow-up, an ordinance establishing this use and associated regulations was prepared and was submitted for public review. The administration recommended that the Board of Aldermen adopt the proposed ordinance.

Trish McGuire, the town's Planning Administrator, made the staff presentation.

Mayor Nelson stated that Robert Dowling, Executive Director of the Orange Community Housing Corp., had submitted a letter, which applauded the town's effort to encourage the development of single room occupancy. Mr. Dowling stated that SRO units would be very difficult to accomplish due to financial constraints and the high cost of land downtown and low cash flow from rents. Mr. Dowling suggested that in order to improve the financial viability of developing SRO units, it would be best if they could be incorporated into a larger multifamily development that contains two and three-bedroom units as well.

Adam Searing, Chair of the Planning Board, stated that the Planning Board felt that the proposed ordinance does not give enough incentive to build single room occupancy housing. The land use ordinance should be further amended to relax requirements to encourage this type development.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW SINGLE-ROOM OCCUPANCY UNITS IN THE B-1(C), B-1(G),CT AND R-2 ZONING DISTRICTS," REVISED TO ALLOW SINGLE ROOM OCCUPANCY UNITS IN THE B-2 AND B-3 ZONING DISTRICTS, AND WITH THE ADDITION OF THE FOLLOWING SECTION:

"Section 5. Section 15-184 is amended by adding a new subsection S to read as follows:

(s) Notwithstanding any provision in this section, with respect to use classification 1.340, single-room occupancy buildings may be set back from a street right-of-way line a distance that is consistent with the setbacks of other nearby buildings that front the same street "

VOTE: AFFIRMATIVE ALL

<u>PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO ALLOW PRIVATE ROADS IN AIS SUBDIVISIONS</u>

On October 12, 1999, Greg Shepard, representing the Somerset South development, requested that the Board examine the provisions of the land use ordinance dealing with street requirements in residential developments. An ordinance was drafted that would allow architecturally integrated subdivisions (AIS) of any size to be developed with private roads. The request for this change was withdrawn on January 6, 2000 by Greg Shepard, on behalf of Tom Talley. Following the receipt of public comment on this ordinance, the Administration recommended that the Board of Aldermen take no further action on this matter.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ACCEPT THE ADMINISTRATION'S RECOMMENDATION TO TAKE NO FURTHER ACTION ON THIS MATTER. VOTE: AFFIRMATIVE ALL

<u>PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/PHASE V, SECTION A/LAKE</u> HOGAN FARMS SUBDIVISION

Michael Dean Chadwick, representing Bolin Creek Investments, LLC, submitted a petition requesting that Phase V, Section A of the Lake Hogan Farms Subdivision be annexed into the town limits of the Town of Carrboro. Phase V, Section A contains 3.25 acres. The purpose of this item was for the Board to receive public comment on this requested annexation and to consider adopting the ordinance which annexes this property into the town limits effective January 31, 2000.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASE V, SECTION A OF THE LAKE HOGAN FARMS SUBDIVISION." VOTE: AFFIRMATIVE ALL

REQUEST FOR MINOR MODIFICATION TO THE ROBERSON PLACE CONDITIONAL USE PERMIT

The Yaggy Corporation submitted an application requesting a minor modification to the Roberson Place conditional use permit. The requested modification would amend Condition #16 to allow the Phase IV improvements, final plat and house construction to begin prior to the completion of the connection across the Rogers-Triem property. The Roberson Place project is located at 216 Roberson Street and is further identified

as Orange County Tax Map #7.99.D.19C. The Board of Aldermen must review and make a decision regarding the minor modification request.

Chris Murphy, the town's Development Review Administrator, made the staff presentation.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE ROBERSON PLACE SUBDIVISION LOCATED AT 216 ROBERSON STREET ALLOWING THE WORDING OF CONDITION #16 TO BE MODIFIED Resolution No. 91/1999-2000

WHEREAS, the Carrboro Board of Aldermen has approved a Conditional Use Permit for a major subdivision for the Roberson Place project located at 216 Roberson Street on January 16, 1996; and

WHEREAS, the approved CUP document contained a condition (condition #16) that required the connection of the Roberson Place subdivision project to South Greensboro Street via an easement with the Rogers-Triem property owner prior to the approval of the phase 4 construction plans; and

WHEREAS, the applicant (and the Town) has made a good faith effort over the past four (4) years to secure the necessary easement to make the connection required by condition #16; and

WHEREAS, the applicant is requesting a modification to condition #16 to allow for the approval and construction of the phase 4 improvements prior to the installation of the connection; and

WHEREAS, the applicant is prepared to post adequate financial security for the connection for a period of five (5) years and make every effort to secure the easement necessary to make the connection required by condition #16.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Roberson Place conditional use permit be approved. Condition #16 is hereby amended to read as follows:

- 16. As a continuing condition of approval, subject to the conditions set forth herein, the applicant shall cause to be executed and recorded the following agreement to allow access from Old Mill Village (now called Roberson Place) to South Greensboro Street:
 - a. An easement from Rogers-Triem, Inc. appurtenant to the Roberson Place property, authorizing egress for the vehicular traffic from the Roberson Place property to South Greensboro Street, and allowing ingress and egress to and from South Greensboro Street for emergency service vehicles and bicycles, such easement to expire automatically upon the acquisition by the town of a public right-of-way providing access from Greensboro Street to the Roberson Place 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 this 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 Roberson Place property.

- b. To the extent necessary, an agreement to the matters set forth in paragraph (a) shall be executed by the owners of the property immediately adjoining the Rogers-Triem tract to the southeast.
- c. A financial security shall be posted equal to or in excess of 125% of the cost of construction of the improvements associated with the connection and shall remain in effect for a period of five (5) years. During the five-year period, the Town may draw against the Letter of Credit if, once the necessary easements or if a similar public right-of-way has been secured, the Yaggy Corporation declines to undertake the construction or fails to complete the construction within six (6) months. The Letter of Credit would expire five years from the date of the minor modification approval.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of January, 2000:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex

Zaffron

Noes: Allen Spalt

Absent or Excused: None

Alderman Dorosin asked that the town staff begin looking at siting the easement and the cost of condemning for the necessary property.

REQUEST TO SCHEDULE A SPECIAL ASSEMBLY OF GOVERNMENTS MEETING

The Town Clerk informed the Board that the Orange County Board of Commissioners were requesting that a special meeting of the Orange County Assembly of Governments be scheduled for Thursday, May 18, 2000 in order to receive the Shaping Orange County's Future Report.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO SCHEDULE A SPECIAL MEETING OF THE ASSEMBLY OF GOVERNMENTS ON THURSDAY, MAY 18, 2000 FOR THE PURPOSE OF RECEIVING THE SHAPING ORANGE COUNTY'S FUTURE REPORT. VOTE: AFFIRMATIVE ALL

JOINT MEETING WITH THE CHAPEL HILL TOWN COUNCIL

Mayor Nelson stated that Mayor Waldorf had suggested a joint meeting of the Carrboro Board of Aldermen and Chapel Hill Town Council on February 17, 2000 to receive a report on the adequate public facilities ordinance.

Alderman Spalt stated that he might be out of town on that date.

The Board tentatively agreed to schedule the joint meeting for Thursday, February 17th, depending on Alderman Spalt's schedule.

APPOINTMENT TO OWASA BOARD OF DIRECTORS

Mayor Nelson indicated that the town had received a letter from OWASA stating that John Smith's term on the OWASA Board of Directors expires in June 2000.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JOAL HALL BROUN TO RE-APPOINT JOHN SMITH AS ONE OF THE TOWN'S REPRESENTATIVES ON THE OWASA BOARD. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO ORANGE COMMUNITY HOUSING BOARD OF DIRECTORS

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPOINT MARION BROOKS AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COMMUNITY HOUSING BOARD OF DIRECTORS. VOTE: AFFIRMATIVE ALL

DOWNTOWN VISIONING PROJECT

Mayor Nelson requested a status report on the downtown visioning project to include the expected outcome, the process to be followed, the timeline, the relationship to the Vision 2020 process, and the budget for the project.

REPORT ON PARKING LOTS

Mayor Nelson requested that the Agenda Planning Committee schedule a discussion of the possibility of the town establishing a special tax district for purchasing downtown parking lots.

PUBLIC INPUT SESSION/HORACE WILLIAMS AIRPORT ADVISORY BOARD OPERATIONS MANUAL

The Board expressed its desire to schedule a public input session for citizens to comment on the Horace Williams Airport Advisory Board Operations Manual. The Board agreed that Fred Black should present the report.

PROMOTION OF A "NO CAR DAY"

Alderman Dorosin suggested that the Board consider promoting a "no car day" in Carrboro to encourage citizens to walk or ride buses.

TREE PLANTING PROGRAM

Alderman Dorosin suggested that the town create a community program to promote tree planting.

CARRBORO PLAZA PARK AND RIDE LOT

Alderman Zaffron announced that beginning January 22, 2000 the owners of Carrboro Plaza Shopping Center will begin development of the "outparcel" on its property where the current park and ride lot is located, and that the spaces for the park and ride lot will be relocated within the shopping center.

EVALUATION OF THE TOWN CLERK

The Board delayed the evaluation of the Town Clerk until the January 18th meeting.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk