

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 20, 2002 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Aldermen	Joal Hall Broun
	Mark Dorosin

RESOLUTION CONGRATULATING CARRBORO 2002 PONY BASEBALL ALL STAR TEAM

The Town's Pony Baseball All Star Team successfully won the Pony District I Championship and advanced to the final game of the Pony Sectionals. In recognition of this accomplishment, the Board of Aldermen was requested to adopt a resolution offering congratulations to the team.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Alex Zaffron.

A RESOLUTION OFFERING CONGRATULATIONS TO
CARRBORO 2002 PONY BASEBALL ALL STAR TEAM
Resolution No. 04/2002-03

WHEREAS, the Carrboro Pony Baseball All Star Team successfully won the Pony District I Championship and advanced to the final game of the Pony Sectionals; and

WHEREAS, the All Star team is to be commended for their accomplishment.

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

Section 1. The 2002 Carrboro Pony Baseball All Star Team is hereby commended for winning the District I Tournament and positively representing the Town of Carrboro in the Pony Sectional Tournament championship game.

Section 2. This resolution shall be entered into the official minutes of the Carrboro Board of Aldermen.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 10th day of August, 2002:

Ayes: Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Mark Dorosin and Joal Hall Broun

Coach James Clifford introduced the members of the Pony Baseball All Star Team and the coaches and presented the championship flag to the Board of Aldermen.

UPDATE ON WATER SUPPLY

Ed Kerwin, Executive Director of OWASA, gave an update on the water supply. Mr. Kerwin stated that Stage II water conservation measures will begin on August 23, 2002.

Susie Holloway, one of the Town's OWASA representatives, asked for the Town's assistance in publicizing water conservation.

Alderman Gist suggested a "water saver award" be established.

Diana McDuffee requested a report on a procedure to delay landscaping for new projects.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE JULY 23, 2002 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN AND DOROSIN)

APPOINTMENT TO THE ORANGE COUNTY SOLID WASTE ADVISORY BOARD

The Mayor and Board of Aldermen were requested to consider recommending to the Orange County Board of Commissioners that Mr. Bill Rehm be appointed as one of the Town of Carrboro's representatives on the Orange County Solid Waste Advisory Board.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION MAKING A RECOMMENDATION
FOR APPOINTMENT TO THE
ORANGE COUNTY SOLID WASTE ADVISORY BOARD
Resolution No. 03/2002-03

WHEREAS, the Town of Carrboro has two seats on the Orange County Solid Waste Advisory Board; and

WHEREAS, Alderman Jacquelyn Gist currently serves in one of these seats; and

WHEREAS, the Town has one vacant seat whose term expires on June 30, 2005; and

WHEREAS, the vacant position has been advertised and Mr. Bill Rehm has submitted an application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Mayor and Board of Aldermen hereby recommend that the Orange County Board of Commissioners appoint Mr. Bill Rehm to serve as one of the Town of Carrboro's representatives on the Orange County Solid Waste Advisory Board.

Section 2. Mr. Rehm's term will expire on June 30, 2005.

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 20th day of August, 2002:

Ayes: Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Mark Dorosin

APPOINTMENT TO THE APPEARANCE COMMISSION/NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION

The Chair of the Appearance Commission/Neighborhood Preservation District Commission recommended that Thomas Wiltberger be appointed to the Commission. It was recommended that the Board adopt a resolution making this appointment.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPOINTING THOMAS WILTBERGER
TO THE APPEARANCE COMMISSION/
NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION
Resolution No. 05/2002-03

WHEREAS, there are currently two vacant seats on the Appearance Commission/ Neighborhood Preservation District Commission; and

WHEREAS, these positions have been advertised and Thomas Wiltberger has submitted an application for a seat on the Appearance Commission/NPDC; and

WHEREAS, Mr. Wiltberger's application was forwarded to the Chair of the Appearance Commission/NPDC for review and consideration; and

WHEREAS, Wendy Wenck, Chair of the Appearance Commission/NPDC, has reviewed Mr. Wiltberger's application and is recommending that he be appointed to one of the vacant seats on the Appearance Commission/NPDC.

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

Section 1. The Board of Aldermen hereby appoints Thomas Wiltberger to a seat on the Appearance Commission/NPDC. Mr. Wiltberger's term shall expire in February 2005.

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 20th day of August, 2002:

Ayes: Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Mark Dorosin

REQUEST TO CANCEL SEPTEMBER 10TH BOARD OF ALDERMEN MEETING

The Mayor and Board of Aldermen were requested to consider adopting a resolution that cancels the September 10, 2002 meeting of the Board of Aldermen. This action was necessary due to the Primary Election being held on this date.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION CANCELLING THE SEPTEMBER 10, 2002
MEETING OF THE CARRBORO BOARD OF ALDERMEN
Resolution No. 07/2002-03

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Mayor and Board of Aldermen hereby cancel the September 10, 2002 meeting of the Carrboro Board of Aldermen. This action is necessary due to the Primary Election being held on this date.

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 20th day of August, 2002:

Ayes: Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Mark Dorosin

PUBLIC HEARING/STREET CLOSING REQUEST FOR THE LA FAMILIAS DEL PUEBLO ROAD RACE

El Pueblo, Inc. has submitted a Street Closing Permit Application for the temporary closing of a number of streets located in the Town of Carrboro from 8:00 a.m. to 9:15 a.m. on Saturday, September 7, 2002 to accommodate the La Familias del Pueblo Road Race. In accordance with Section 7-19 of the Town Code, a public hearing must be held to receive public input prior to issuing a street closing permit. The administration recommended that the Board of Aldermen adopt a resolution approving the street closing request.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF THE FOLLOWING STREETS
TO ACCOMMODATE *LA FAMILIAS DEL PUEBLO ROAD RACE*

Resolution No. 06/2002-03

Section 1. The following streets shall be temporarily closed Saturday, September 7, 2002 from 8:00 am to 9:15 am to accommodate the *La Familias del Pueblo Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Old Fayetteville Road from Winsome Lane intersection to Carol Street intersection
2. Carol Street from Old Fayetteville Road intersection to James Street intersection
3. James Street from Carol Street intersection to Lorraine Street intersection
4. Lorraine Street from James Street intersection to Hillsborough Road intersection
5. Hillsborough Road from Lorraine Street intersection to Simpson Street intersection
6. Simpson Street from Hillsborough Road intersection to West Main Street intersection
7. West Main Street from Simpson Street intersection to Hillsborough Street intersection
8. Hillsborough Street from West Main Street intersection to Oak Street intersection
9. Oak Street from Hillsborough Road intersection to North Greensboro Street intersection
10. North Greensboro Street from Oak Street intersection to Morningside Drive intersection
11. Morningside Drive from North Greensboro Street intersection to Blueridge Road intersection
12. Blueridge Road from Morningside Drive intersection to Spring Valley Road intersection
13. Spring Valley Road from Blueridge Road intersection to Pathway Drive intersection
14. Pathway Drive from Spring Valley Road intersection to Parkview Drive intersection
15. Parkview Drive from Pathway Drive intersection to Hillsborough Road intersection
16. Hillsborough Road from Parkview Drive intersection to James Street intersection
17. James Street from Hillsborough Road intersection to Rainbow Drive intersection
18. Rainbow Drive from James Street intersection to Lisa Drive intersection
19. Lisa Drive from Rainbow Drive intersection to Carol Street intersection
20. Carol Street from Lisa Drive intersection to Old Fayetteville Road intersection
21. Old Fayetteville Road from Carol Street intersection to Winsome Lane intersection

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. 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 20th day of August, 2002:

Ayes: Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Mark Dorosin

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST: MCFALL WATERSHED RESIDENTIAL MINOR SUBDIVISION

Mr. Sammy Martin, representing property owner Walter T. McFall, has submitted an application for a Conditional Use Permit (CUP) to allow a major subdivision of property (Use 26.100) to create three lots from a 17.491-acre tract located at 130 Lavinia Lane. The property is accessed from an existing private drive (Lavinia Lane) located off of Highway 54. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit application.

Marty Roupe, the Town's Development Review Administrator, was sworn in. Mr. Roupe made the staff presentation and stated that the administration recommended that the Board of Aldermen approve the Conditional Use Permit request to allow a Major Subdivision (Use 26.100) of property located at 130 Lavinia Lane to create three (3) lots from a 17.491-acre tract of land located in the watershed residential zoning district, subject to the following conditions:

1. That the payment-in-lieu of providing recreational facilities must be paid prior to the recordation of the final plat.
2. That the applicant receive 'final approval' from the Orange County Environmental Health Department (OCEH) before recordation of the final plat and that no well or septic site will be located within a stream buffer.
3. That if the applicant must change or adjust any property line, reduce the number of proposed lots, or otherwise modify the site plan in order to receive 'final approval' from OCEH, then the applicant must bring the revised plat back before the Board of Aldermen for consideration as a Minor Modification to the CUP.
4. That homeowner's association (or similar legal entity) documents be reviewed and approved by the Town Attorney prior to recordation of the final plat.

Sammy Martin, the applicant, was sworn in. Mr. Martin stated that he was willing to grant the greenway dedication at such time that the Town is ready for it.

Fulton Crews was sworn in. Mr. Crews spoke in favor of the greenway, and stated that he did not think the Town should allow any smaller lots than five acres in the watershed.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS: (1-5 SUMMARY SHEET)

1. 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 Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. 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.
3. That the payment-in-lieu of providing recreational facilities must be paid prior to the recordation of the final plat; and
4. That the applicant receive 'final approval' from the Orange County Environmental Health Department (OCEH) before recordation of the final plat and that no well or septic site will be located within a stream buffer; and
5. That if the applicant must change or adjust any property line, reduce the number of proposed lots, or otherwise modify the site plan in order to receive 'final approval' from OCEH, then the applicant must bring the revised plat back before the Board of Aldermen for consideration as a Minor Modification to the CUP; and
6. That homeowner's association (or similar legal entity) documents be reviewed and approved by the Town Attorney prior to recordation of the final plat.

VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST THAT THE APPLICANT EXECUTE A LEGAL DOCUMENT INDICATING THAT A 30-FOOT GREENWAY EASEMENT LOCATED ALONG THE SOUTHERN, EASTERN, AND WESTERN PROPERTY LINES OF THIS PROPERTY WILL BE DEDICATED TO THE TOWN OF CARRBORO AT THE TIME GREENWAY EASEMENTS ARE GRANTED ALONG ADJOINING PROPERTIES. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (NELSON), ABSENT TWO (BROUN, DOROSIN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO GRANT THE APPLICATION, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

**POSTPONEMENT OF THE PUBLIC HEARING FOR THE TWIN MAGNOLIAS CONDOMINIUMS
CONDITIONAL USE PERMIT**

Williams Construction Company, Inc. has submitted an application for a conditional use permit to allow a combination use consisting of a single-family dwelling and two-family dwelling apartment buildings at 107 Jones Ferry Road. The administration requested that tonight's public hearing be delayed due to the fact that the applicant has not fully addressed all review comments and the Town staff is not prepared to state that the

project fully complies with the requirements of the Land Use Ordinance. The Board will be requested to reschedule this public hearing at a later date.

**A REQUEST FOR A MINOR MODIFICATION TO THE OAKWOOD APARTMENTS
CONDITIONAL USE PERMIT**

The Town of Chapel Hill has applied for a minor modification of the Oakwood Apartments Conditional Use Permit located at 614 North Greensboro Street. The Oakwood Apartments CUP was issued on June 3, 1983 and allowed the construction of 30 public housing apartment units on 6.427 acres of land. The proposed minor modification, if approved, will subdivide the parent tract into two lots. The parent tract containing 30 apartment units will be reduced from approximately 249,885 square feet to 229,885 square feet to create an affordable housing lot of approximately 20,000 square feet for conveyance to the Town of Carrboro. The Administration requested that the Board of Aldermen waive the \$500 CUP Modification fee and the \$250 final plat fee, review the request, and make a decision regarding the minor modification.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING THE OAKWOOD CUP MODIFICATION
AND
AUTHORIZING THE TOWN MANAGER TO CONTINUE TO
WORK WITH THE TOWN OF CHAPEL HILL TO
CREATE AND ACCEPT A NEW LOT ALONG CREST STREET
AUTHORIZED FOR CONVEYANCE BY THE TOWN OF CHAPEL HILL AND TO
GRANT A SEWER EASEMENT TO SERVE 101 CREST STREET
Resolution No. 01/2002-03

WHEREAS, The Town of Carrboro owns a parcel (Tax Map reference 7.94.A.16A) off of Crest Street adjacent to property owned by the Town of Chapel Hill and part of the Oakwood Apartments tract (Tax Map reference 7.97.B.21B),

WHEREAS, A deed gap of approximately 5,000 square feet in size exists between the Oakwood property and Carrboro's property that will require a quitclaim deed;

WHEREAS, the Executive Director of Habitat for Humanity requested the Town of Carrboro on April 24, 2001, to grant a sanitary sewer easement to OWASA to serve a lot owned by the Community Land Trust at 101 Crest Street;

WHEREAS, the Mayor of Carrboro, as requested by the Carrboro Board of Aldermen on May 8, 2001, asked the Chapel Hill Town Council in a letter to the Mayor of Chapel Hill, dated May 29, 2001, to work with Carrboro to resolve an easement issue that is negatively impacting affordable housing;

WHEREAS, the Carrboro Board of Aldermen requested the Town of Chapel Hill to work with the Town of Carrboro to share an easement along the common property line OR to combine lots owned by the two towns to provide additional housing opportunities;

WHEREAS, the Town of Chapel Hill adopted a resolution (2001-06-25/R-6) on June 25, 2001, authorizing their Town Manager to initiate procedures for conveying a portion of lot 7.97.B.21B to the Town of Carrboro pursuant to the provisions of G.S. 160A-274;

WHEREAS, the Town of Chapel Hill in resolution (2001-06-25/R-6), resolved that the conveyance of land to the Town of Carrboro would be contingent on a performance agreement with the Town of Carrboro and the following specific items:

1. The creation of two new lots would not adversely impact the terms of the Town's Conditional Use Permit for the Oakwood public housing;
2. The Town of Carrboro would prepare a modification to the Town's Conditional Use Permit to subdivide the property;
3. The lots would be donated for affordable housing purposes;
4. The Town of Carrboro would strongly consider placing the properties in the Land Trust;
5. The U.S. Department of Housing and Urban Development would approve the changes in the land area of the property owned by the Town; and
6. The Town of Carrboro would assume all closing costs for the conveyance of the properties;

WHEREAS, the Town of Chapel Hill in resolution (2001-06-25/R-6), resolved that the Carrboro Board of Aldermen consider conveying one or both lots to Habitat for Humanity, Orange County;

WHEREAS, the Town of Chapel Hill in resolution (2001-06-25/R-6), resolved to authorize their Town Manager to provide a sewer easement along the Town's property line as requested by the Town of Carrboro in a letter dated May 29, 2001 to the extent necessary, with the specific location to be determined by the Manager.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Oakwood Conditional Use Permit Modification is hereby approved;

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Carrboro Town Manager to work with the Town of Chapel Hill to:

1. Execute the performance agreement as presented herein and formulated in keeping with the Town of Chapel Hill's resolution (2001-06-25/R-6) adopted by the Town of Chapel Hill Town Council on June 25, 2001;
2. Initiate procedures necessary to subdivide property owned by the Town of Chapel Hill referred to as the Oakwood public housing property (Tax Map reference 7.97.B.21B) in keeping with the CUP modification approved per this resolution;
3. Prepare a deed necessary for the transfer of the title of the lot proposed for conveyance by the Town of Chapel Hill to the Town of Carrboro;
4. Authorize the Town Manager to quitclaim the deed gap between the Oakwood property and Carrboro's property (Tax Map reference 7.94.A.16A).

BE IT FURTHER RESOLVED that the Town Manager is authorized to execute documents for the granting of a sewer easement to OWASA across Carrboro's recombined Crest Street property as proposed by the CUP Modification to serve a lot owned by the Community Land Trust at 101 Crest Street.

BE IT FURTHER RESOLVED that the land use permit fee for this CUP modification and for the final plat approval are waved in keeping with the town's fee waiver policy.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of August, 2002:

Ayes: Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Mark Dorosin

PARKING ON LINDSAY STREET

Alderman Gist stated that a resident of Lindsay Street had expressed concern about parking on both sides of Lindsay Street and requested that town staff investigate allowing parking on only one side of this street.

TRANSIT MOU

Alderman McDuffee requested that copies of the draft MOU with Chapel Hill Transit be distributed to the members of the Board of Aldermen.

PROGRESS REPORTS ON BUILDING HEIGHTS AND PARKING

Alderman Zaffron stated that progress reports from the building heights committee and parking committee will be presented to the Board very soon.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 9:15 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, DOROSIN)

Mayor

Town Clerk