

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 12, 2002 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	Richard White
Town Attorney	Michael B. Brough

Absent or Excused                      Mark Dorosin

**TOWN MANAGER**

Mayor Nelson stated that Robert Morgan had resigned as Town Manager. He acknowledged the outstanding job Bob has done over the years.

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**ART EXHIBIT**

Mayor Nelson encouraged residents to come to Town Hall to view the stunning photos currently on display.

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**FUND RAISER FOR JOHN BOONE**

Aldermen Gist announced that a fundraiser was being held on November 23 for John Boone, a lifelong member of the community and former Alderman. Mr. Boone has been experiencing failing health.

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**TTA CUSTOMER FEEDBACK SESSION**

Alderman McDuffee announced that the TTA is having a customer feedback session November 21<sup>st</sup> at the Chapel Hill Municipal Building

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**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE THE OCTOBER 22, 2002 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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**APPOINTMENT TO THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE**

The purpose of this item was for the Mayor and Board of Aldermen to consider re-appointing Chris Potter to the Northern Transition Area Advisory Committee

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

A RESOLUTION RE-APPOINTING CHRIS POTTER  
TO THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE  
Resolution No. 49/2002-03

WHEREAS, the Town of Carrboro has two representatives on the Northern Transition Area Advisory Committee; and

WHEREAS, Chris Potter's term has expired; and

WHEREAS, Mr. Potter has expressed his desire to be re-appointed.

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

Section 1. The Board of Aldermen hereby re-appoints Chris Potter to the Northern Transition Area Advisory Committee. Mr. Potter's term will expire in January 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 12th day of November, 2002:

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

Noes: None

Absent or Excused: Mark Dorosin

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**CONTINUATION OF PUBLIC HEARING FOR THE OLD FARMERS' MARKET OFFICE BUILDING CONDITIONAL USE PERMIT, 300 ROBERSON STREET**

N. R. Milian Associates, on behalf of Carr Mill Limited Partnership, submitted an application for a major modification to an existing Conditional Use Permit (CUP) to allow for the construction of a three-story mixed-use office building to be located at 300 Roberson Street. Pursuant to Section 15-64(c) of the Town of Carrboro Land Use Ordinance, a major modification to a CUP shall be processed as an application for a new CUP. The Board of Aldermen held a public hearing on October 22, 2002. At that time, the Board chose to continue the public hearing during the November 12, 2002 meeting in order to seek additional information related to the application. Additional information is attached. The Administration recommended that the Board continue review and deliberation, and then make a decision regarding the conditional use permit application.

Marty Roupe, the town's Development Review Administrator, and Henry Wells, the town's Engineer, answered questions.

Jack Haggerty spoke about height of the roof.

MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARTING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICATION, IF GRANTED, IS SUBJECT TO THE FOLLOWING CONDITIONS:

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 Board hereby finds that 592 parking spaces are sufficient to serve the proposed office building as well as the Carr Mill Mall Shopping Center. The Board makes this finding based on the evidence submitted showing that between 40-60 parking spaces regularly remain vacant at 300 Roberson Street, based on the development's close proximity to the central business district, and based on the site's proximity to bus lines.
4. That the construction plans shall appropriately illustrate the re-striping of parking spaces to match the number of subcompact spaces described in the chart on page L-1 of the CUP plans.
5. That the construction plans shall include a bike rack within the bicycle parking area, along with a detail drawing for a 'wave' model bike rack that can accommodate at least five (5) bikes.
6. That all on-site lights be reduced to a maximum height of fifteen feet (15') in accordance with Section 15-243(c) of the Land Use Ordinance prior to the issuance of a 'certificate of occupancy' for the building.

VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DIANA MCDUFFEE THAT THE PROPOSED BUILDING BE LOCATED EIGHT FEET (8') SOUTH OF THE LOCATION CURRENTLY SHOWN ON THE CUP PLANS AND THAT THIS LOCATION BE SHOWN ON THE CONSTRUCTION PLANS. IN ADDITION, THAT THE SIDEWALK ALONG ROBERSON BE CONFIGURED IN SUCH A WAY SO AS TO ACCOMMODATE FUTURE ON-STREET PARKING. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (BROUN), ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE THAT IF FEASIBLE, THE DUMPSTER BE MOVED TO THE EASTERN PROPERTY LINE ON THE SOUTH ORANGE RESCUE SQUAD PROPERTY, AND IF NOT, THEN THE DUMPSTER SHOULD BE

LOCATED ON THE ORANGE RESCUE SQUAD PROPERTY AT THE LOCATION PREVIOUSLY APPROVED BY THE PUBLIC WORKS DIRECTOR AND THAT THE DUMPSTER BE SCREENED WITH A FENCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA THAT THE APPLICANT PLACE THREE (3) FOSTER HOLLY TREES IN THE PROPOSED PLANTING ISLAND DIRECTLY WEST OF THE ENTRANCE POINT FOR THE DEVELOPMENT IN LIEU OF TRANSPLANTING THE EXISTING TREES ON THE SITE INTO THE PLANTING ISLAND. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (NELSON), ABSENT ONE (DOROSIN)

Dale McKeel, the town's Transportation Planner, explained that additional bicycle parking could be located closer to the building.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE DEVELOPER AND CONTRACTORS DIRECT CONSTRUCTION TRAFFIC TO USE ROBERSON STREET INSTEAD OF CARR STREET. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOHN HERRERA THAT THE APPLICANT DEDICATE ADDITIONAL SIDEWALK RIGHT-OF-WAY ALONG THE ROBERSON STREET FRONTAGE AND THAT THE DEDICATION EXTENDS TO THE BEGINNING OF THE HANDICAP RAMP ON THE ROBERSON STREET SIDE OF THE PROPERTY. IN ADDITION, THAT THE EDGES OF THE SIDEWALK WITHIN THE PUBLIC RIGHT-OF-WAY BE CLEARLY DEMARCATED WITH A BRICK BORDER, CONSISTENT WITH OTHER SIDEWALKS IN THE DOWNTOWN AREA. THE RIGHT-OF-WAY DEDICATION AND BRICK BORDERS MUST BE SHOWN ON THE CONSTRUCTION PLANS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOHN HERRERA THAT THE APPLICANT DEDICATE ADDITIONAL SIDEWALK RIGHT-OF-WAY ALONG SWEET BAY PLACE EXTENDING TO THE BEGINNING OF THE WATER GARDEN FEATURE ON THE SWEET BAY PLACE SIDE OF THE PROPERTY, AND THAT THE DEDICATION SHOULD EXTEND FROM THE ROBERSON STREET/SWEET BAY PLACE INTERESECTION TO THE PROPOSED ENTRANCE/EXIT POINT ON THE PROPERTY. IN ADDITION, THE EDGES OF THE SIDEWALK WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE CLEARLY DEMARCATED WITH A BRICK BORDER, CONSISTENT WITH OTHER SIDEWALKS IN THE DOWNTOWN AREA. THE RIGHT-OF-WAY DEDICATION AND THE BRICK BORDERS MUST BE SHOWN ON THE CONSTRUCTION PLANS. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GIST), ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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**CONTINUATION OF PUBLIC HEARING FOR THE TWIN MAGNOLIAS CONDOMINUMS  
CONDITIONAL USE PERMUT, 107 JONES FERRY ROAD**

Williams Construction Company, Inc. submitted an application for a Conditional Use Permit (CUP) to allow a condominium development, consisting of a single-family dwelling (Use 1.111) and two-family dwelling apartment buildings (Use 1.241) at 107 Jones Ferry Road. The request consists of a condominium project including eleven (11) two-family apartment buildings [twenty-two (22) dwelling units] and an existing single-family residence, which will remain. The project would be located at 107 Jones Ferry Road and would be

named 'Twin Magnolias Condominiums.' The Board of Aldermen held a public hearing on October 22, 2002. At that time, the Board chose to continue the public hearing during the November 12, 2002 meeting in order to seek additional information related to the application. Additional information is attached. The Administration recommended that the Board continue review and deliberation, and then make a decision regarding the conditional use permit application.

Delores Clark, a resident of Jones Ferry, was sworn in. She stated that she preferred rollout carts over a dumpster for this project.

Doris Bynum, a Laurel Avenue resident, was sworn in. She stated that neighbors do not want this development and that houses are being built too close.

Mayor Nelson asked for a report on the construction of a house adjacent to Ms. Bynum's house and other houses that are being constructed on Laurel Avenue. He also requested that the Fire Department follow up on unkempt yards that are trashy on Laurel Avenue.

Alderman Broun asked for an analysis of how this situation compares to the new ordinances adopted regarding the Pine Street situation.

Marianna Fiorentino spoke about parking issues.

Marty Roupe, the town's Development Review Administrator, and Dale McKeel, the town's Transportation Planner, answered the Board's questions.

Henry Wells, the town's Engineer, was sworn in. He spoke on the entrance to the development (right in/right out)

Parker Sniffen stated that the developer does not feel that there is a safety issue.

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

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOHN HERRERA THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (BROUN), ABSENT ONE (DOROSIN)

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

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

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 a detail drawing for the proposed brick sidewalk be included on the construction plans.
4. That the construction plans must show the waterline connecting to a main line other than the cogeneration line in the Jones Ferry Road right-of-way.
5. That a 'certificate of occupancy' for the bonus 'market-rate' unit may not be issued until such time as the two affordable units (unit 18 and unit 22) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Carrboro Land Use Ordinance, nor until arrangements have been made to assure the continued affordability of the two affordable units, again consistent with the language found in Section 15-182.4 of the Carrboro Land Use Ordinance.
6. That the homeowners' association documents be reviewed and approved by the Town Attorney prior to construction plan approval.

VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOHN HERRERA THAT ALL PARKING SPACES OVER THE MINIMUM REQUIRED BE A SEMI-PERVIOUS SURFACE (SUCH AS TURFSTONE USED ON THE CURRENT FARMERS' MARKET SITE ADJACENT TO TOWN HALL).

VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

Alderman Zaffron pointed out that the applicant had agreed to the following condition: That the number of bike racks in the project be doubled.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE DEVELOPMENT BE SERVICED BY ROLLOUT CONTAINERS IN LIEU OF A DUMSPTER AND THAT THE DUMPSTER PAD BE REMOVED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST THAT THE DEVELOPER ATTEMPT TO MAKE THE ACCESS TO THIS DEVELOPMENT BE RIGHT IN AND RIGHT OUT ONLY CONTINGENT ON APPROVAL BY NCDOT. IF NCDOT DOES NOT APPROVE A RIGHT IN RIGHT OUT CONFIGURATION, THEN THE DEVELOPER SHALL SEEK PERMISSION FROM NCDOT FOR A RIGHT OUT ONLY CONFIGURATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

Mr. Morgan stated that the developer had agreed to the following conditions:

- a. That the developer extend the fence along the western property line to approximately the southern property line of the adjacent property at 207 Laurel Avenue.
- b. That the developer plant a new, replacement black walnut tree if the existing specimen black walnut tree cannot be saved.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN THAT CHILDREN'S PLAY EQUIPMENT BE INSTALLED AND THE SIZE OF THE GAZEBO IS REDUCED FROM 741 SQUARE FEET TO 695 SQUARE FEET. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOHN HERRERA THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOREGOING CONDITIONS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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**PRESENTATION OF AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2002**

The purpose of this agenda item was for the Board to receive the audit report. LaVonne Montague, CPA, of Dixon Odom PLLC, who oversees the town’s audit, presented the report.

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**DRAFT 2004-2010 STATE TRANSPORTATION IMPROVEMENT PROGRAM**

The purpose of this item was for the Board of Aldermen to review and comment on the draft 2004-2010 State Transportation Improvement Program (TIP).

Dale McKeel, the town’s Transportation Planner, made the presentation.

The Board requested that the following adjustments be made to the TIP:

- 1. That Priority #1 (Estes Drive) be revised to specify that the Town only wants the street widened enough to allow for bike lanes and sidewalks and necessary turn lanes only.
- 2. That the description of Priority #4 (Homestead Road) be amended to reflect the description of the Chapel Hill portion of Homestead Road.

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**REPORT: REZONING FOR APARTMENTS, CONDOMINIUMS, AND TOWNHOUSES**

The Board of Aldermen has requested recommendations for properties located in the city limits that could be rezoned for apartments, condominiums and townhouses, and recommendations on cottage zoning and performance zoning. A report has been prepared. A resolution adopting the staff recommendations is recommended for the Board’s approval.

The Board requested that this item be rescheduled.

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**QUESTIONS FROM ORANGE COUNTY/ADAMS PROPERTY**

The Board reviewed the town staff’s response to questions posed by Orange County concerning the Adams property and offered suggestions for changes.

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**CLOSED SESSION**

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS ACQUISITION OF THE ADAMS PROPERTY. VOTE: AFFIRMATIVE SIX, ABSENT ONE (DOROSIN)

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO OPEN THE CLOSED SESSION AND ADJOURN THE MEETING AT 11:15 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk