

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 26, 2005 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	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin Mirman

Absent:

Alderman	Mark Chilton
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**PUBLIC HEARING: MINOR MODIFICATION TO THE CELLULAR TOWER CONDITIONAL USE PERMIT AT 515 SOUTH GREENSBORO STREET**

David Hockey, representing Nextel Communications and Cingular Wireless has applied for a minor modification to the American Tower Telecommunications Conditional Use Permit located at 515 South Greensboro Street. The proposed modification will consist of two steps: (i) improvements to the existing foundation of the cell tower in order to allow the addition of the proposed two co-locations; and (ii) addition of two (2) new antennas to the tower. This will require the expansion of the fenced in area at the base of the tower in order to allow the placement of additional equipment and the clearing of four trees within the leased area for the expansion of the fenced in area. The staff requested that the Board review, deliberate, and make a decision regarding the minor modification request.

James Thomas, one of the town's Development Review Specialists, was sworn in and made the presentation.

Henry Campen, representing American Tower, was sworn in and addressed the Board.

Alderman Jacquelyn Gist stated that the permit is 13 years old and that planting 11 Burford Hollies on the property line adjacent to the school is one of the conditions of the existing conditional use permit

Henry Campen said that the bulk of coverage is for the Town of Carrboro. He stated that they would be willing to replant the hollies.

Grey Stires, representing Cingular was sworn in and addressed the Board. He said that if planting the Burford Hollies is a requirement of the agreement it is appropriate to make that a condition. American Tower said they would replant them.

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

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

**A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE  
CONDITIONAL USE PERMIT FOR THE CELLULAR TOWER  
LOCATED AT 515 SOUTH GREENSBORO STREET  
Resolution No. 133/2004-05**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 515 South Greensboro Street on November 10, 1992; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit and that one of the conditions of the original CUP for this particular tower requires a public hearing for any modification to the tower; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the American Tower conditional use permit located at 515 South Greensboro Street allowing improvements to the existing foundation for Nextel Communications and Cingular Wireless to allow improvements to the foundation of the tower, would allow the addition of two (2) new antennas to the tower itself, and would allow the installation of additional equipment within the expanded fenced in area of the leased area of the cellular tower. The resolution includes one recommended condition stating that the additional antenna and related equipment shall not be installed until the Inspections Division grants final approval for all work related to the improvements to the foundation of the tower subject to the following condition:

- Replant eleven (11) Burford Hollies along the property line that is adjacent to the school (eastern side).

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26<sup>th</sup> day of April, 2005:

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

Noes: None

Absent or Excused: Mark Chilton

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**PUBLIC HEARING: ADDITION OF LIGHTS TO THE SOCCER FIELDS AT SMITH MIDDLE SCHOOL**

When the Smith Middle School Athletic Fields CUP was approved on May 22, 2001, a condition was included requiring a public hearing before lights were added to the playfields. Pursuant to this condition, a lighting plan has been developed for the soccer fields and the Board of Aldermen has called a public hearing. The Town Staff recommended that the Board of Aldermen receive comments during the public hearing and adopt a resolution approving the addition of lights to the soccer fields at Smith Middle School.

Marty Roupe, the town's Development Review Administrator was sworn in and addressed the Board.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO CLOSE THE PUBLIC HEARING: VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Broun.

A RESOLUTION APPROVING THE ADDITION OF LIGHTS  
TO THE SMITH MIDDLE SCHOOL SOCCER FIELDS  
Resolution No. 142/2004-05

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed changes within the Town's jurisdiction; and

WHEREAS, the Carrboro Board of Aldermen placed a condition on the CUP for the Smith Middle School Athletic Fields project, which requires that a public hearing be held prior to the placement of lights on the site; and

WHEREAS, the Carrboro Board of Aldermen held a public hearing on April 26, 2005 to receive comments on the proposed addition of lights to the Smith Middle School soccer fields, thereby satisfying the CUP condition; and

WHEREAS, Reece, Noland & McElrath Consulting Engineers have prepared a lighting plan for the fields that exhibits compliance with the lighting provisions of the Town of Carrboro Land Use Ordinance.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the addition of lights to the Smith Middle School soccer fields is hereby approved.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26<sup>th</sup> day of April, 2005:

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

Noes: None

Absent or Excused: Mark Chilton

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**PUBLIC HEARING: CONDITIONAL USE PERMIT FOR THE CHAPEL HILL-CARRBORO CITY SCHOOLS' HIGH SCHOOL #3**

Chapel Hill – Carrboro City Schools has submitted an application for construction of a high school on the parcel located at the western terminus of Rock Haven Road. CLH Design and Mosley Architects are the primary project consultants. The Conditional Use Permit, if approved, would allow the construction of the high school with its associated site amenities.

Jeff Kleveland, one of the town's Zoning Development Specialists, was sworn in and made the presentation.

Nick Dido and Mike Kelly from the Chapel Hill/Carrboro City School Board were sworn in and addressed the Board.

Steve Scroggs with the Chapel Hill-Carrboro City Schools was sworn in and addressed the Board.

Alderman Gist complimented Steve Scroggs on the huge amount of work, incredible job and good presentation.

Alderman Zaffron said he was excited about having a state-of-the-art high school in Carrboro. He commended Steve Scroggs on his innovative and forward thinking.

Alderman Gist asked about plans to protect the neighborhood from construction and asked that contractors be sensitive.

Steve Scroggs said that the construction traffic would be coming when there is the least amount of traffic and that they would make sure to keep roads clean and that there would be neighborhood notification about blasting.

Vince Donnelly, of 203 Nuttree Lane in Chapel Hill and President of the Kent Woodlands Homeowners Association, was sworn in. He expressed the Associations' support and appreciation for selecting the site for the school. He said they express support for sidewalk access to school. He urged town not to reduce the number of parking spots in the current plan to assure that students do not park in nearby residential areas.

Livy Luddington, a resident of Ray Road, was sworn in. She said that she appreciates the work and planning/environmental components and that she has lived in her house for 21 years – a quiet neighborhood/serenity of woods, and that this will have a major impact on their lives. She said they did a really good job on stormwater management. She stated that she was concerned about the lighting-- 80 foot poles will make a big difference and the night sky will not be the same - they hope that something can something be done. Can the lights be turned off? Regulated? Already hard to get out on Smith Level Road - DOT should consider what would become of Ray Road when construction starts. Concern about overflow parking. There is no way that all the kids will be parking there. Native plants - thick screening - would like to work with someone on this. Mulch - when they come in and cut all the trees, then all that wood should be cut and chipped to use back on site - that they will leave it on site.

Helen Frady, a resident of Ray Road, was sworn in and addressed the Board. She stated that she was concerned about teens in secluded areas—this is asking for problems. Wondering if sidewalk will continue towards Ray road or further down or is it just going to stop? She said that she feels sure that they will need more parking.

Dick Luddington, a resident of Ray Road, was sworn in. He said that he had been told that the athletic field would not be lit - that was their concern - what are the issues of lighting fields?

Steve Scroggs addressed the Board. He said the field would not require stadium lighting. It is a competition field and the only one that is lit. At 0.3 on their lighting plan, he thinks they will be compliant with code.

Alderman McDuffee asked how often the lights would be used.

Steve Scroggs stated that lights will be used more for practice than games, but you always practice at home.

Alderman Broun asked if they would have the ability to be turned off when not in use. I.e.: when practice is over, can staff/coaches turn them off?

Steve Scroggs said they are on timers, and that they have to have the lighting.

Alderman Gist asked how neighbors could be protected from the light.

Steve Scroggs said they would put the lights as far away from the neighbors as they could. He said that that they had made efforts to do some shielding.

Alderman Jacquelyn Gist asked if they could get an answer from the lighting engineer? Asking for better than 0. 3.

Steve Scroggs said yes.

Mayor Nelson asked if the mulching would be kept onsite.

Steve Scroggs said yes – it would be kept onsite.

Alderman Broun asked for an explanation about the 6-foot gravel pathway.

Steve Scroggs said the sidewalk was put in at the request of the planning staff. It was needed for EMT vehicles. He expressed concern that it would become a student drop-off. It was included on the original plans

Mayor Nelson asked why the town staff requested the path.

Dale McKeel, the town's Transportation Planner, said it was a connectivity policy to Ray Rd. The town staff thought it should be provided. They have dealt with pickup and drop off successfully at McDougale and Carrboro Elementary Schools. It is better to define a path that is more easily controlled.

Alderman Broun asked if it is expected that a fire truck be able to can get down the path?

Ann Griffin, a resident of Ray Road, was sworn in. She stated that she had served on the design committee for the high school and worked with Steve Scroggs on this project. She stated that she feels that the parking for the site is unrealistic. She has two kids who are avid sports participants. Even if you can rationalize putting kids on school busses, it does not address having kids at school after the school day ends – i.e.: night practices, games, etc. They have to get there some way and get home some way. There are as many kids at Chapel Hill High School at 5:30 that will attend this school. It is a different day now and does not end at 3:45. There are no other sites that are dead-end like Ray Road is. It is not just a drop-off site - people will park. They will turn around. There are not enough spaces on the school site. She asked that be taken into consideration and not do anything to entice people to come on Ray Road and surrounding neighborhoods and not imply that that is overflow parking.

Brent Welsh, a new resident of Ray and Smith Level Road, was sworn in. He said that he mirrors the concerns about the path. He understands connectivity in terms of student access from outside the area, but he is concerned. Athletic fields are somewhat isolated. If the path is not wide enough to accommodate emergency vehicles, he does not see the point beyond pedestrian. He asked if there has been discussion about access to Carrboro through S. Greensboro Street, which would allow students to come in from a more urban center of the city to access the high school?

Mayor Nelson said that the town has been wrestling with NCDOT for 7 years. He stated that Mr. Welsh was right to raise that concern. We all agree.

Alderman Broun asked how wide the path would be and could it accommodate an EMT?

Marty Roupe stated that it would be six feet wide. The site would accommodate an emergency vehicle coming into the service area, but it is a good distance from the baseball fields.

Alderman McDuffee asked if staff recommended it and why?

Marty Roupe said that it might be a road connection - pedestrian and bike connectivity - might be ways to address parking on Ray Road – that there would probably be people going back and forth anyway.

Mayor Nelson said that with other schools and developments, the town always requires pedestrian access between that site and surrounding neighborhoods.

**MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)**

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

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL 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 the shading calculations required by Section 15-317 and Appendix E-3 be revised as necessary to demonstrate compliance prior to construction plan approval.
4. That additional plantings be added to the Type “B” screen adjacent to the southern parking lot prior to construction plan approval.
5. That the Type “C” screen along the northeastern property line be re-labeled as a Type “B” screen prior to construction plan approval.
6. That the Chapel Hill Transit bus stop turnout detail be modified to the Town of Chapel Hill’s bus stop detail (ST-8) prior to construction plan approval.
7. That per the provisions of 15-216(j), Rock Haven Road be allowed to deviate from the planting strip standards of Section 15-216 thereby allowing an 18” planting strip between the curb and sidewalk on the south side of the road so as to minimize damage to existing transformers, streetlights, trees and slopes.
8. That the applicant install a NCDOT approved traffic signal at the intersection of Smith Level Road and Rock Haven Road (including pedestrian crossing) prior to issuance of the certificate of occupancy, consistent with the approved improvements to Smith Level Road as agreed upon by the Town of Carrboro and NCDOT.
9. That the applicant construct a northbound left turn lane and a southbound right turn lane on Smith Level Road at the Rock Haven Road intersection consistent with the final design of improvements to Smith Level Road as agreed upon by the Town of Carrboro and NCDOT.
10. That upon request, the school makes an offer of dedication, for a 30’ public access greenway easement to be located in the general vicinity of the natural drainage along the western property line (final location of the easement to be mutually decided by Town Staff and Chapel Hill—Carrboro City Schools Staff).
11. That the Board accepts the applicant’s justification for exceeding the presumptive parking standards of Section 15-291 by providing 328 spaces, as represented in the applicant’s letter, this deviation is justified because it reduces disruption to the surrounding community during peak-use events at the school.

12. That prior to issuance of the certificate of occupancy, the school district work with the Town's Police Department, Transportation Planner, and Fire Department to develop a plan to manage special event parking, which would be put in place during peak use events at the school;
13. That the applicant apply for voluntary annexation of the subject parcels prior to construction plan approval.
14. That the proposed sidewalk along Smith Level Road shall be constructed within the existing NCDOT right-of-way; or, if necessary, that additional right-of-way shall be dedicated to accommodate the sidewalk. Also, all vegetative screening along Smith Level Road shall be relocated to the west so that it is planted behind the proposed sidewalk.
15. That the applicant shall provide to the Town, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
16. That the pedestrian path that adjoins Smith Level Road in the vicinity of the ball fields be relocated, if necessary, so as to prevent an unsafe pedestrian crossing in this area. Town staff, Chapel Hill-Carrboro City Schools' staff, and NCDOT would make the final decision regarding location based on field observations.
17. That, prior to issuance of a certificate of occupancy, Rock Haven Road be striped to provide separate (NCDOT approved) left and right turn lanes at the intersection with Smith Level Road.

VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE FOOT CANDLE SPILLAGE BE LIMITED TO 0.2 ON ANY PROPERTY LINES ADJACENT TO SINGLE FAMILY RESIDENCES OR NEIGHBORHOODS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADD THE FOLLOWING CONDITIONS:

1. That the landscaping plan be changed to include a more diverse planting list of regional, native plants.
2. That the applicant install a different style of bike rack that will allow for a higher density of bicycle parking.
3. That covered bicycle parking should be provided.
4. That Chapel Hill gravel or a similar material should be used rather than mulch for the surface of the path connecting to Ray Road.
5. That bike racks should be placed closer to the entrances of the school.

6. That selected plants for wet detention and wetland areas must be appropriate for the submerged depth in the particular stormwater device.
7. That plants that are native to the region be used for landscaping. The recommended plant list in Appendix E-10 should be consulted as a source for appropriate species. Consultation about appropriate plants has been offered by Kathy Buck of the EAB and Wendy Wenck of the Appearance Commission.

VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE PATHWAY CONNECTING THE FIELDS TO RAY ROAD BE ELIMINATED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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### **CONTINUED DISCUSSION OF THE SMITH LEVEL ROAD IMPROVEMENTS PROJECT**

On April 18, 2005, the N.C. Department of Transportation proposed two options for modifying Smith Level Road between Morgan Creek and Rock Haven Road. The Board of Aldermen discussed the two options at its meeting on April 19 and requested a comparison and additional information. A resolution was provided for the Board's consideration.

Dale McKeel, the Town's Transportation Planner, was sworn in and made a presentation to the Board.

Mayor Michael Nelson said that both High School/Homestead Road and Smith Level Road need attention from NCDOT - 2 school roads. It said that it blew his mind to be put in situation of having to choose which neighborhood children to protect. He said he thought there were safety concerns that needed to be addressed now.

Alderman Broun said she shares the mayor's frustration with regards to DOT. If we are going to do option A) then we should cut something out of the town's CIP and that she didn't know what that would be.

Alderman Gist stated that she hated the position the Board was put in. She stated that when widening is completed on 15-501, she did not want to encourage people to zip down that and through Carrboro. Where are they going to go? It will have a worse impact on Frank Porter Graham and the High School. She said that if the town could afford Option A, she would vote for it, but the town cannot afford it.

Mayor Nelson said that he has longstanding concerns about allowing money to color issues that involve safety. Option A with road improvements in 2 years at, or about the time the High School is completed, verses the TIP option – we know those always get delayed. If we are lucky, we are talking about having that in five years. He said that he thought the Board had to bite the bullet and insure safety, particularly in this case because it involves elementary and high school students. The manager is recommending that the town stop funding the school resource officers that Carrboro has been paying for—one next year and the second one the following year. He suggested that the town use that \$50,000 to pay for option A.

Alderman McDuffee said that she couldn't see putting off the Homestead Road project. The Board made promises to people in the annexation area. She understands that TIP projects can take a long time, but at the



end of the moving ahead project, we have a sidewalk on one side of the road and bike lane on one side of road. With the TIP project, we have a sidewalk on both sides of the road and bike lanes on both sides of the road. With option A, we do not get enough for \$300,000 and we would have to put off the Homestead Road project. Three lanes might be wider than we really want, but it is less than a four median highway. She said that she is in favor of option B

Alderman Alex Zaffron said the Mayor's frustration is justified, but to follow Diana's comments, to address safety issues in both areas, option B allows us to address both safety issues. If we take it off the table at this point, there is no guaranteed well of funding to be tapped into. He suggested that the Board select option B and work hard to expedite completion of the project. He stated that the lanes be limited to 11 feet in any kind of design.

Alderman Broun said that, for the long term, we need to talk to sister municipalities around the state about how NCDOT services municipalities. There are some issues with their delivery of services in terms of safety issues for municipalities. We should bring this up with the League.

Alderman Zaffron said that it is important in this motion that we formally request that moving ahead funding allocated for Orange County be diverted to the Homestead High School Road project.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Broun.

A RESOLUTION ON THE PROPOSED MODIFICATIONS  
TO SMITH LEVEL ROAD  
Resolution No. 143/2004-05

WHEREAS, the N.C. Department of Transportation (NCDOT) has proposed to widen a portion of Smith Level Road, TIP Project U-2803; and

WHEREAS, on March 18, 2003, the Board of Aldermen adopted a resolution requesting that the N.C. Department of Transportation consider an alternative design for the proposed modifications to Smith Level Road between Morgan Creek and Rock Haven Road.

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

Section 1. The Board accepts the report and selects Option B as identified in the staff report, with the request that the lanes be limited to eleven (11) feet.

Section 2. That NCDOT be formally requested to use Moving Ahead funding allocated for Orange County be diverted to the Homestead/High School Road intersection improvement project

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26<sup>th</sup> day of April, 2005:

Ayes: Joal Hall Broun, Diana McDuffee, John Herrera, Alex Zaffron,

Noes: Jacquelyn Gist, Michael Nelson

Absent or Excused: Mark Chilton

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MOTION WAS MADE BY JOAL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:41 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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Mayor

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Deputy Town Clerk