

**AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, OCTOBER 4, 1994
7:30 P.M., TOWN HALL BOARD ROOM**

Approximate Time*

- 7:30 - 7:35 A. Approval of Minutes of Previous Meeting: September 27, 1994**

- 7:35 - 7:45 B. Resolutions, Proclamations and Charges**

- 7:45 - 7:55 C. Requests from Visitors and Speakers from the Floor**

- #### D. OTHER MATTERS

- 7:55 - 8:10 (1) Minor Modification/Orange-Chatham Comprehensive Health Services**

P/5

On August 29, 1994, the Board of Aldermen received a request from Orange-Chatham Comprehensive Health Services to grant them a minor modification to their conditional use permit to remove Condition #8 which states: "That a curb cut/handicapped ramp be included at the south end of the sidewalk onto the roadway to provide access." The Board of Aldermen referred this item to the Transportation Advisory Board (TAB) for further review since this condition arose from a recommendation from the TAB. The TAB has reviewed this condition and is now recommending that the Board of Aldermen grant the minor modification to delete Condition #8. The administration recommends that the Board grant this minor modification to delete Condition #8 from the conditional use permit.

- 8:10 - 8:40
P/5
- (2) **Report from Appearance Commission/Entranceway Enhancement and Beautification Project**

P/5

This project was initiated by the 1992 Planning Retreat Action Agenda. The Board of Aldermen at its meeting on April 20, 1993 requested that the Appearance Commission recommend an agenda on how to proceed with each of the areas contained within the plan and asked that the Libba Cotton Bikepath be included in the list of corridors. The Entranceway Plan is an attempt to begin a process by which these areas may improve aspects of the existing situations and to develop other areas into something that will be distinctive and demonstrate the desired end product of future development within Carrboro.

- 8:40 - 8:45 (3) Amendment to Miscellaneous Fees & Charges Schedule**

NP

The town has received a request for a copy of the domestic partner registrations. The town does not have a fee set to cover making copies of these registrations. The purpose of this item is to amend the Miscellaneous Fees and Charges Schedule to include such a fee.

- 8:45 - 8:55 BREAK**

8:55 - 9:25
P/5

**(4) Resolution Establishing a Trial Policy for Referral by the Town to the
Dispute Settlement Center of Certain Disputes Presented to the Town**

The purpose of this item is to consider the adoption of a resolution establishing a policy (on a six-month trial basis) whereby the Board of Aldermen and the Town Manager would be authorized to refer disputes to the Dispute Settlement Center as an alternative to the town having to resolve such disputes through the adoption or enforcement of an ordinance or the issuance or denial of a land use permit.

- 9:25 - 9:35 E. MATTERS BY MANAGER
- 9:35 - 9:45 F. MATTERS BY TOWN ATTORNEY
- 9:45 - 9:55 G. MATTERS BY BOARD MEMBERS

*The times listed on the agenda are intended only as general indications. Citizens are encouraged to arrive at 7:30 p.m. as the Board of Aldermen at times considers items out of the order listed on the agenda.

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: October 4, 1994

SUBJECT: Orange Chatham Comprehensive Health Services--Request For A Minor Modification To Delete CUP Condition 8

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u>	
ATTACHMENTS: Conditional Use Permit Recommendation From The Transportation Advisory Board 09/15/94 Site Plan Letter Requesting Minor Modification	FOR INFORMATION CONTACT: Keith Lankford--968-7712	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) Purpose	(X) Action Requested	(X) Analysis
(X) Summary	(X) Recommendation	

PURPOSE

On August 29, 1994, the Board of Aldermen received a request from Moses Carey, Jr., the Executive Director of the Orange-Chatham Comprehensive Health Services (OCCHS) to grant them a minor modification to the CUP to remove condition 8 which states "That a curb cut/handicapped ramp be included at the south end of the sidewalk onto the roadway to provide access.". The Board of Aldermen referred this item to the Transportation Advisory Board (TAB) for further review since this condition arose from a recommendation from the TAB. The TAB has reviewed this condition and is now recommending that the Board of Aldermen grant the minor modification to delete CUP condition 8. The Administration is therefore recommending that the Board of Aldermen grant this minor modification to delete condition 8 from the CUP.

SUMMARY

The Transportation Advisory Board (TAB) has reviewed condition 8 of the conditional use permit for the Orange-Chatham Comprehensive Health Services (OCCHS). The TAB members made site visits to visually inspect the topography and sidewalk alignment.

Based upon their site visits and their discussion, the TAB is now recommending (see attached recommendation) that the Board of Aldermen grant OCCHS the minor modification to the CUP to remove condition 8 which states "That a curb cut/handicapped ramp be included at the south end of the sidewalk onto the roadway to provide access.".

The Administration is recommending that the Board of Aldermen grant the minor modification to delete condition 8 from the CUP.

ANALYSIS

The Transportation Advisory Board (TAB) has reviewed condition 8 of the conditional use permit for the Orange-Chatham Comprehensive Health Services (OCCHS), and TAB members made site visits to visually inspect the topography and sidewalk alignment. Based upon their site visits and their discussion, the TAB is now recommending (see attached recommendation) that the Board of Aldermen grant OCCHS the minor modification to the CUP to remove condition 8 which states "That a curb cut/handicapped ramp be included at the south end of the sidewalk onto the roadway to provide access.". The Administration is recommending that the Board of Aldermen grant the minor modification to delete condition 8 from the CUP.

RECOMMENDATION

The Administration is recommending that the Board of Aldermen grant the minor modification to allow the deletion of condition 8 of the CUP which requires a handicapped ramp at the south end of the sidewalk.

ACTION REQUESTED

To grant OCCHS the minor modification to the CUP by deleting condition 8 which requires a handicapped ramp at the south end of the sidewalk.

NORTH CAROLINA

ORANGE COUNTY

BOOK 1036 PAGE 574

TOWN OF CARRBORO

9778-97-2366

7.93.E.1m

CONDITIONAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

Applicant: Moses Carey

Owner: Fitch Lumber Company

Property Location: 400 Lloyd Street
(Street Address)

Tax Map 93 Block E Lot(s) 1 (part of)

Proposed Use of Property: To allow construction of a 10,200 sq. ft. Comprehensive Health Services Center with a future 6,000 sq. ft. addition on a 2.06-acre tract (which includes a 0.33-acre right-of-way with Southern Railroad.

Carrboro Land Use Ordinance Use Category: 7.100

Meeting Dates: August 25 and September 1, 1992

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and 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 pointed out specifically to the 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 handicapped ramp be added in front of the main entrance to accommodate drop-off.
- 4) That "the future addition" and the parking that is needed for the addition be approved by the Board of Aldermen prior to issuance of a building permit for the addition.
- 5) That the parking stops be relocated within each space so that they provide a 3.5 foot vehicle overhang.
- 6) That a new easement document for the sanitary sewer easement which has been relocated be executed prior to construction plan approval.
- 7) That the Appearance Commission have an opportunity to review any future changes or additions to this project and that the dormers along the eastern facade be brought down closer to the edge of the roof in order to break even further the horizontal line of this elevation. That the vent lattice be a square lattice rather than the diagonal pattern, and that the building have a minimum overhang of 1 foot on all rake ends.
- 8) That a curb cut/handicapped ramp be included at the south end of the sidewalk onto the roadway to provide access.

9) That two (2) large shade trees be added at the southwestern corner of the northern lawn area of the site. All trees shown under the Duke Power easement shall meet Duke Power's height requirements and the town's Land Use Ordinance shading requirements for vehicle accommodation areas.

10) That the total number of handicapped parking spaces be increased to five (5) and that a bike rack be included on the plans.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

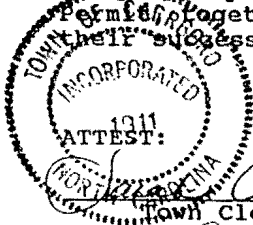
All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit together with all its conditions, as binding upon them and their successors in interest.



THE TOWN OF CARRBORO

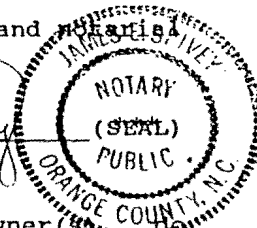
Sarah C. Williamson (SEAL) BY Robert W. Morgan
Town Clerk Town Manager

I, James E. Spivey, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Robert W. Morgan, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and seal this the 21st day of September, 1992.

My Commission Expires: 11/09/95

James E. Spivey
Notary Public



I (We) _____, owner(s) hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its

conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

Attest:

Orange-Chatham Comprehensive Services, Inc.
(Corporate Name)

[Signature] (SEAL) BY Morris Carey
Secretary Executive Director

NORTH CAROLINA
ORANGE COUNTY

I, Rayna Brown-Hines, a Notary Public of Alamance County, N.C. do hereby certify that James E. Spivey appeared before me this day and being duly sworn says that he knows the common seal of Orange-Chatham Comp. Health Serv. and is acquainted with Morris Carey, Jr. who is the executive director of said corporation and he James E. Spivey, who is secretary of said corporation, saw the said executive director sign the foregoing instrument and that he, James E. Spivey, secretary as aforesaid, affixed said seal of said instrument and he, the said secretary, signed his name in attestation of execution of said instrument in the presence of said executive director of said corporation.

Witness my hand and notarial seal, this the 10th day of Sept., 1992.

Rayna Brown-Hines
Notary Public

My Commission Expires: 6/22/93

(Not valid until fully executed and recorded)

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

The foregoing certificate(s) of James E. Spivey and
Reginia Brown-Hines, ~~Notary~~ Notaries Public of
the designated governmental units ~~(is)~~ (are) certified to be
correct.

This the 5th day of October, A.D. 1992.

Betty June Hayes,

Register of Deeds

By:

Bernadine H. Weathers
Assistant/Deputy Register of Deeds

Prepared: Town Clerk, Town of Carrboro, P.O. Box 829, Carrboro,
N.C. 27510

Return To: Zoning Division, Town of Carrboro, P.O. Box 829,
Carrboro, N.C. 27510

FILED

05 OCT 1992. at 04:51:25PM
Book 1036, Page 574 376
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

September 15, 1994

OCCHC - SITE REVIEW

Ms. Ellen Perry made a motion to grant the request of deleting Condition "8" from the OCCHC CUP. Ms. Dazzie Lane seconded the motion.

VOTE: Ayes(Lane, E. Perry, H. Perry, Taylor, Zaffron)
 Noes(None)



Alex Zaffron, Chairperson 9/16/94



ORANGE-CHATHAM COMPREHENSIVE HEALTH SERVICES, INC.

P. O. BOX 339, 400 ROBERSON ST.
CARRBORO, NORTH CAROLINA 27510

TELEPHONE:
919-942-8741

August 26, 1994

Dear Mayor and Aldermen:

The Orange-Chatham Comprehensive Health Services respectfully requests the elimination of the approval process stipulation which requires a handicapped ramp/curbcut be provided at the southern end of the sidewalk on Lloyd Street. We are concerned that merging the sidewalk with Lloyd Street at this particular location would create a safety hazard for pedestrians because it would lead them into the roadway where an inappropriate mixing of pedestrian and vehicular traffic should not occur. Thank you for your consideration of this matter.

Sincerely,

Moses Carey, Jr.
Moses Carey, Jr.,
Executive Director

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, October 4, 1994

SUBJECT: REPORT FROM THE APPEARANCE COMMISSION CONCERNING THE ENTRANCEWAY ENHANCEMENT AND BEAUTIFICATION PROJECT

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _____ NO <u>X</u>						
ATTACHMENTS: <ul style="list-style-type: none">◆ Memo from Giles Blunden, <i>Chairman, Appearance Commission</i>◆ Appearance Commission Recommendations◆ Entryway Enhancement and Beautification Plan	FOR INFORMATION CONTACT: Wayne King or Keith Lankford, 968-7712						
THE FOLLOWING INFORMATION IS PROVIDED: <table border="0" style="width: 100%;"><tr><td>(X) Purpose</td><td>(X) Summary</td><td>() Analysis</td></tr><tr><td>(X) Recommendation</td><td>(X) Action Requested</td><td></td></tr></table>		(X) Purpose	(X) Summary	() Analysis	(X) Recommendation	(X) Action Requested	
(X) Purpose	(X) Summary	() Analysis					
(X) Recommendation	(X) Action Requested						

PURPOSE

This project was initiated by the 1992 action agenda of the Carrboro Board of Aldermen. The planning department was asked by the Board to report back to the Board on April 20, 1993. At that meeting, the Board requested that the Appearance Commission recommend an agenda on how to proceed with each of the areas contained within the plan and asked that the Libba Cotton Bikepath be included in the list of corridors. The Entranceway Plan is an attempt to begin a process by which these areas may improve aspects of the existing situations and to develop other areas into something that will be distinctive and demonstrate the desired end product of future development within Carrboro.

SUMMARY

This project was initiated by the 1992 action agenda of the Carrboro Board of Aldermen. The planning department was asked by the Board to report back to the Board on April 20, 1993. At that meeting, the Board requested that the Appearance Commission recommend an agenda on how to proceed with each of the areas contained within the plan and asked that the Libba Cotton Bikepath be included in the list of corridors.

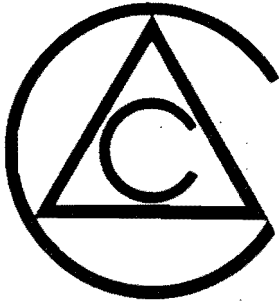
- ⇒ The Appearance Commission will report to the Board of Aldermen on their review of the draft Entranceway Enhancement and Beautification Plan that has been prepared.
- ⇒ The Appearance Commission would like to use the Entranceway Enhancement and Beautification Plan as a basis for enhancing Carrboro's entranceways on a project by project basis.
- ⇒ The Appearance Commission requests that the Town's various guidelines be incorporated into a single document as they are formulated in the future.

RECOMMENDATION

See attached recommendation

ACTION REQUESTED

That the Board of Aldermen proceed with this project and direct staff and advisory boards as to whether a system of guidelines or a group of policy changes will be required for the achievement of a desired Entranceway Enhancement and Beautification plan. A system of entranceway enhancement and beautification guidelines was suggested by the Appearance Commission. Guidelines may be used to address the newly developing areas and existing areas may be improved through community cooperation. At some point in the future, all area guidelines and enhancement guidelines could be incorporated into one document that would assist new development in all locations of our town. However, the entranceway enhancement and beautification plan may act as a stand-alone plan. The Appearance Commission would like to use the Entranceway Enhancement and Beautification Plan as a basis for enhancing Carrboro's entranceways on a project by project basis. The Appearance Commission requests that the Board of Aldermen sanction the Entranceway Enhancement and Beautification Plan as a guideline for improvements to the Town of Carrboro.



September 20, 1994

Memorandum to: Carrboro Board of Aldermen

Memorandum from: Giles Blunden, Chair of the Appearance Commission *Wynne K. for Giles Blunden*

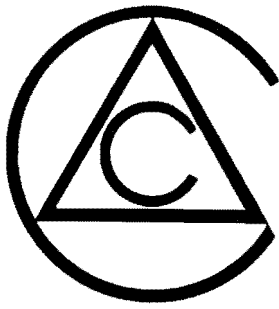
Re: Entranceway enhancement and beautification report from the Appearance Commission

This project was initiated by the 1992 action agenda of the Carrboro Board of Aldermen. The planning department was asked by the Board to report back to the Board on April 20, 1993. At that meeting, the Board requested that the Appearance Commission recommend an agenda on how to proceed with each of the areas contained within the plan and asked that the Libba Cotton Bikepath be included in the list of corridors.

As is demonstrated within the attached recommendation from the Appearance Commission, the members of the Carrboro Appearance Commission have reviewed the information prepared by the staff and agree with the continued efforts for preservation/enhancement of these specific areas of Carrboro. The minutes from each review by the Appearance Commission have been included in the recommendation from the final review by the Appearance Commission on August 15, 1994. The minutes demonstrate the thoughts of the Commission as it attempted to address this issue.

A system of entranceway enhancement and beautification guidelines was suggested by the Appearance Commission. Guidelines may be used to address the newly developing areas and existing areas may be improved through

community cooperation. At some point in the future, all area guidelines and enhancement guidelines could be incorporated into one document that would assist new development in all locations of our town. However, the entranceway enhancement and beautification plan may act as a stand-alone plan.



APPEARANCE COMMISSION

RECOMMENDATION

Monday, August 15, 1994

Entranceway Enhancement and Beautification, The Appearance Commission needs to make a report to the Board of Aldermen as to what the Commission wishes to do with this proposal.

John Van Fleet moved that the Appearance Commission is in favor of the document that has been prepared. That the Commission wishes to present the minutes from the last three discussions of this item (SEE BELOW). That this is a worth while project and that every effort to incorporate this project into existing and proposed guidelines for Carrboro should be taken. Brother Peacemaker seconded the motion. The vote was: Ayes, six (6); Giles Blunden, Mary Cameron, Brother Peacemaker, Marobeth Ruegg, John Van Fleet, and Wendy Wenck; Noes, zero (0); Absent/excused, three (3); John Dunkle, Ann Leonard, and Liaison, Jay Bryan.

The below is an excerpt from the minutes of the April 1, 1993, Appearance Commission meeting...

Members Present: Giles Blunden, Mary Cameron and Ann Leonard

Members Absent: John Dunkle, Bill McKenzie, John Van Fleet, Liz Sherouse and Liaison, Jay Bryan

Staff Present: Wayne King, Zoning Development Specialist
Roy Williford, Planning Director

...APPEARANCE COMMISSION MET AS COMMITTEE OF THE WHOLE...

Entranceway Enhancement and Beautification

Roy Williford was present to discuss the changes/additions to the entranceway report. Names were added to the gateways. The document is now in a draft form and Roy wishes for input/enhancement from the Appearance Commission. The urban corridors are in place and this document is an attempt to address new development as it occurs. The Appearance Commission feels that a level of detail should be added concerning urban corridors. We need to have input as to what the developed corridors evolve into. Roy stated that development has occurred in these areas. For example, a) Jones Ferry Road, widening, curb and gutter; b) Downtown, curb and gutter added, new sidewalk, the planter at Spring Garden Grill and the new plantings are in place.

Giles Blunden asked about placing the utility lines underground...This would allow for a canopy of trees to spread over the street.

Members of the Appearance Commission asked what they could do to have the colors of the entrance sign changed?

Mary Cameron said she feels it is good to define and label these areas as such and have a document on hand for people to refer to for a direction of action in one of these locations.

The below is an excerpt from the minutes of the May 16, 1994, Appearance Commission meeting...

Members Present: Giles Blunden, Mary Cameron, Ann Leonard, and Wendy Wenck.

Members Absent: John Dunkle, John Van Fleet, Brother Peacemaker, Marobeth Ruegg, and Liaison, Jay Bryan.

Staff present: Roy Williford, Planning Director
Wayne King, Zoning Development Specialist

Entranceway enhancement and beautification

Roy Williford explained the history of this project. He stated that the Board of

Aldermen had asked to include the Libba Cotton Bike path as one the corridors listed within this project. The members felt that the bike path would be a good addition to this project. Roy Williford discussed with the Appearance Commission the various aspects of the make-up of corridors, viewways, and entranceways. Viewways are special items located within the corridors. The small area planning committee is working on studying viewways.

Generally, the Members present felt that they should address the entranceways and work to make the entrances to town more attractive. As a first attempt at this, the Members felt that they could work on the Rosemary Street entranceway. Mainly, because: they feel neighborhood and business support would be strong; a need is present; something could be done to improve the area without resorting to a major redesign of the infrastructure; that this effort would be a success. The first attempt at beautification must be a success for the support from neighborhood and business of the next area in line for some sort of enhancement. Rosemary entranceway would benefit from additional plantings and removal of chain link fencing, alone.

The Appearance Commission wishes for staff to compile a map showing the specific property lines, contours, utility locations, etc. to aid the Commission in their efforts at enhancement of the area. Cooperation with The Chapel Hill Appearance Commission and The Downtown Development Commission would be an asset to beautification efforts since some of the areas overlap directly. Questions about how the funding of these improvements will be financed were asked by the members.

Members of the commission will go by the areas and check them out individually. At the next meeting the members will discuss process and not individual items. The Appearance Commission will ask that the Planning Board continue to work on items that they may be working on at this time.

The below is an excerpt from the minutes of the August 15, 1994 Appearance Commission meeting...

Members Present: Giles Blunden, Mary Cameron, Brother Peacemaker, Marobeth Ruegg, John Van Fleet, and Wendy Wenck.

Members Absent/Excused: John Dunkle, Ann Leonard, and Liaison, Jay Bryan.

Staff Present: Wayne King, Zoning Development Specialist

Entranceway Enhancement and Beautification

The Appearance Commission is in favor of the Entranceway Enhancement and Beautification document that has been prepared.

John Van Fleet suggested using overlay zones on the zoning map. Marobeth Ruegg suggested that a graphic representation (MAP) of the areas would assist in evaluating the importance of each element within a viewway, gateway, etc. It was suggested that each type of area be shown on this graphic representation as either entranceway, viewway, etc. Mary Cameron added that a graphic representation would better show where these areas of concern are located within our community.

It was suggested that the comments from all previous meetings of the Appearance Commission concerning this topic be given to the Board of Aldermen with the report to them.

A system of entranceway enhancement and beautification guidelines was suggested by the Commission. Guidelines could be used for newly developing areas and the existing areas could be tackled by community cooperation.

ENTRYWAY ENHANCEMENT AND BEAUTIFICATION PLAN

TOWN OF CARRBORO
PLANNING DEPARTMENT
©1993

ENTRYWAY ENHANCEMENT AND BEAUTIFICATION

PURPOSE:

The purpose of the *ENTRYWAY BEAUTIFICATION AND PROTECTION PLAN* is two-fold. One purpose is to define the entryways within the Town's planning area. A second purpose is to propose methods for protecting and enhancing the Town's entryways.

For the purpose of this study, the term "entryway" applies to the area along major roadways which provide the traveler an approach to and, in some cases, through the Town. The entryway focuses on the view from the road rather than the view of the road. Elements of entryways include: gateways, which define the point of entry; corridors, which define the area along either side of the entryway along its distance; and viewways, which define vistas or special views which should be preserved.

An entryway plan is an important tool for the Town to use to communicate its entryway enhancement preservation policies in advance of development. The sooner the plan is put into place, the greater the likelihood that the Town will be able to achieve its preservation and enhancement goals. This is particularly true for entryways which traverse the Town's urban services areas undergoing the transition from rural to urban.

GOALS:

- *To preserve the scenic qualities of entryways leading into Carrboro for the enjoyment of citizens both now and in the future.,
- *To accommodate the expansion of the urban area in a manner which will preserve places of special character for the future enjoyment of the public.
- *To guide development in a manner which will enhance the natural beauty of entryways for travelers approaching or leaving Carrboro.
- *To anticipate ultimate roadway and transportation facility needs to allow improvements to take place in a manner which will enhance and not distract from the special amenities of the entryway.
- *To devise a entryway preservation program which is sensitive to both the general public's needs and the needs of private property owners.

STUDY OBJECTIVES:

- *Identify corridors leading into and out of the Carrboro Planning Jurisdiction.

*Identify special viewways within the Carrboro Planning Jurisdiction.

*Identify Carrboro's gateways.

*List features which contribute to the demise of the desired character of existing corridors, gateways, and viewways and which should be controlled.

*Propose methods for protecting corridors, gateways, and viewways from undesirable features.

*Propose enhancements for corridors, gateways, and or viewways.

ENTRYWAY COMPONENTS

1) GATEWAYS

Gateways define the edge of the Town and makes a visual statement to people informing them that they are entering the Town of Carrboro. Conversely, in the absence of a gateway, people really do not know if they have entered or for that matter left the community. An attractive gateway defines the point of transition into the community and provides the "first impression" for people making the transition. Gateways visually communicate the character of the community and provide visitors with a sense of being welcomed.

Carrboro has at least nine gateways or points of entry. These gateways (Estes Drive and the Railroad Tracks, and Merritt Mill Road intersecting with Rosemary, Main, Franklin, and Cameron) lead the traveler from neighboring Chapel Hill into Carrboro and from one community to another. Three gateways (Old Fayetteville Road intersecting with Jones Ferry, NC 54, and Old 86) lead the traveler from a rural setting to an urban setting and one gateway (Culbreth Road and Smith Level Road) marks the transition from both an urban setting and a rural setting. Each gateway is described in more detail in the following sections of this report.

A) Gateways from Chapel Hill

1) Estes Drive and the Railway

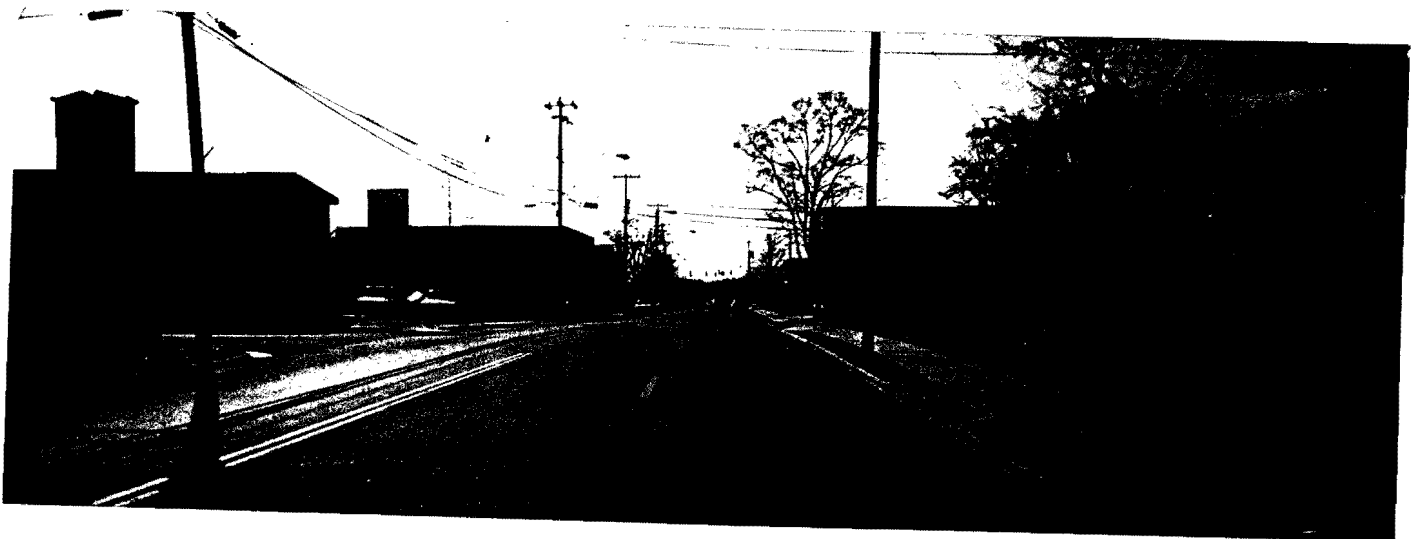
The Town of Carrboro has already established one planting area and a "Welcome to Carrboro" sign on the southeast side of this gateway. The area along this gateway is lined by a wooded area on both sides with a distance of approximately feet from wooded edge to wooded edge. Other prominent features include railroad gates and flashing signals and an above-ground power line running along the southeastern edge. The average daily traffic (1992 count) through this gateway is 12,000 cars per day. This gateway provides a primary link via NC 86 to I-40. Estes Drive is currently a two-lane road which

may be widened in the future to accommodate bikelanes and additional travel lanes.



2) Rosemary Street and Merritt Mill Road

This is one of three gateways providing transition from Chapel Hill's downtown to Carrboro's downtown. Rosemary Street is a four lane road, has sidewalks on both sides and is lined along the south side with above-ground power poles and lines. The average daily traffic along Rosemary Street is 10,200 cars per day. The north side of Rosemary Street is a vacant lot bordered on the west by Sunset Drive and a two story commercial building. Along the south side of Rosemary is the corner of Merritt Mill Road which is dominated by a two story motel, a paved parking lot, chain link fence, and a sidewalk.

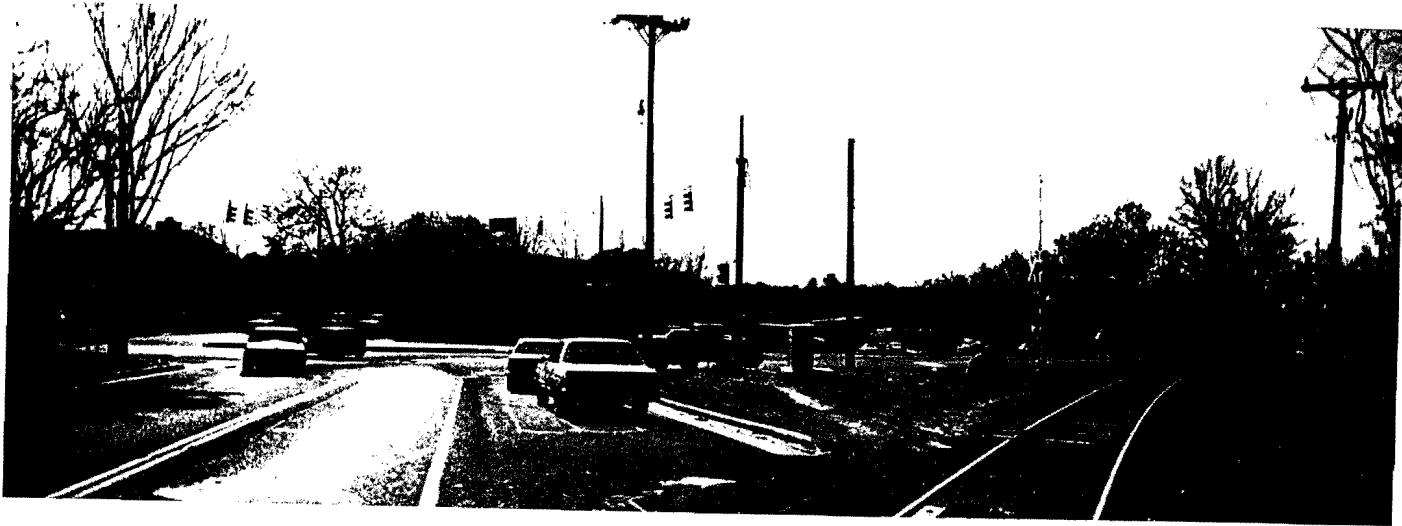


- 3) Franklin Street, Main Street, Brewer Lane, and Merritt Mill Road
- This is the primary downtown gateway bringing more than 16,000 cars a day to and from Carrboro. The five lane section of West Franklin Street ends rather abruptly by seemingly branching off into all directions at this five-legged intersection. Merritt Mill Road intersects with a two-lane roadway to both the north and south. Brewer Lane is a dead end, two lane road serving residential and some commercial properties to the west. Main Street, which is three lanes, curves toward the northwest and is Carrboro's primary east-west commercial street. Automobile related uses, such as auto repair and car wash operations, dominate this intersection. Other uses around this intersection include a church and restaurant uses. The Town, with permission of the church, has established a welcome sign and planting area beyond the northwest corner of Merritt Mill Road and Main Street. Overall this gateway is dominated by parking lots, commercial buildings, power poles, and power lines, and five intersecting streets.



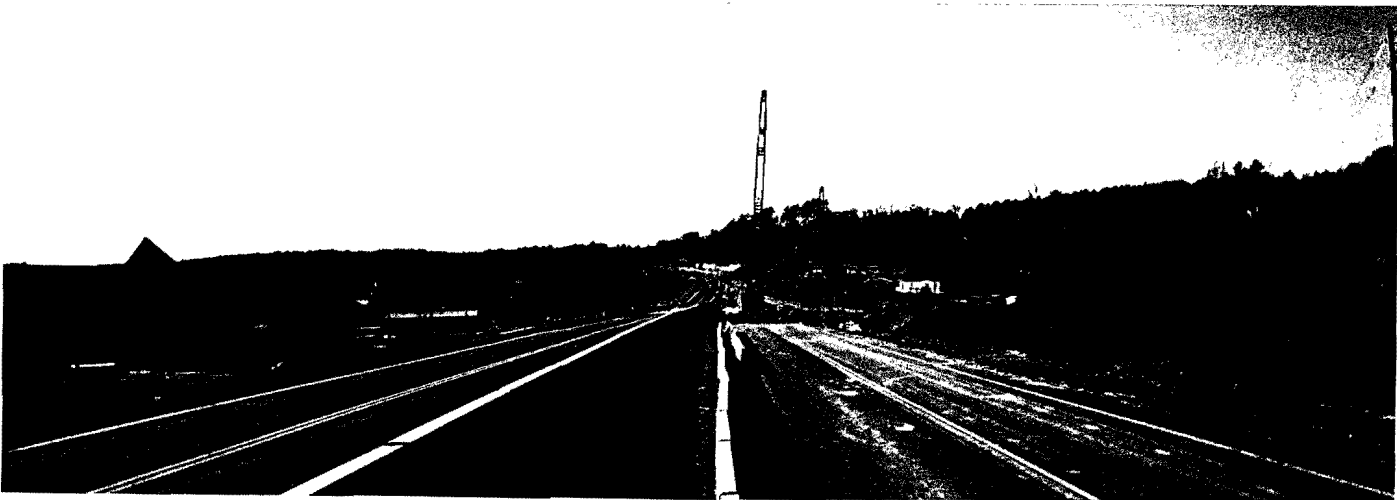
- 4) Cameron Avenue, Merritt Mill Road, Libba Cotton Bikepath
- This intersection provides a direct link with the University of North Carolina via Cameron Avenue. As a result of this linkage Cameron Avenue accommodates considerable auto, bike, and pedestrian commuter traffic to and from the University and hospital. More than 10,000 cars and 1,000 bikes a day pass through this intersection. The configuration of this intersection is somewhat awkward due to the limitations imposed by the railroad crossing Merritt Mill Road and Cameron Avenue diagonally within 100 feet of the intersection. Driveways serving Hunt Electric and Ready Mix Concrete Company and the Libba Cotton Bikeway entrance further exacerbate possible gateway improvements in this area. Land uses surrounding this gateway include railroad right-of-way on the northeast corner; residential, commercial building, and driveways; a bikepath, and a railroad along the western edge; and residential and the University Power Plant on the southeast corner. Site distances associated with the railroad, roadways, and the bikepath limit the placement of entryway improvements such as

tree plantings and welcome signage in this area. Also, due to the presence of required site distances, the entryway is fairly barren and is dominated by power poles, traffic signal boxes, railway gates, and pavement.



5) NC 54 and South Greensboro Street Interchange

The NC 54 and South Greensboro Street interchange is a point of entry for westbound travelers along NC Highway 54. Over 20,000 trips a day are made along Highway 54 with probably half or 10,000 trips a day headed west. Travelers headed into Town along this route have a panoramic view of Carrboro's eastern landscape. Some of the more dominate land uses include an office complex on the northeast corner of Merritt Mill Road and South Greensboro Street, a mobile home park on the northwest corner of Highway 54 and South Greensboro Street, a convenient store and Carrboro Public Works Department on the western corner, and Frank Porter Graham School on the southeast corner. Since this is a grade separated interchange, most gateway improvements will be restricted to NC Department of Transportation (NCDOT) right-of-way.



B) Gateways from both Chapel Hill and Rural Areas

1) Culbreth Road and Smith Level Road

Only one gateway serve the transition from both the rural area and the Town of Chapel Hill. Culbreth Road leads into Carrboro's jurisdiction from Chapel Hill's southern growth area and Smith Level Road leads traffic originating for the most part from rural areas into Carrboro. Approximately 15,000 vehicles a day travel through this gateway.

Both Culbreth Road and Smith Level Road are two lane roads with swales and no bike or pedestrian facilities. As the Chapel Hill and Carrboro southern growth area continue to develop and traffic from northern Chatham County continues to increase, these roadways may need to be widened to a four lane facility. Both roads currently offer a pleasant wooded roadway edge which should be retained wherever possible.

Land Uses in the vicinity of this gateway include vacant wooded property on the northeast corner, single family and multi-family wooded lots to the west, and a five-unit townhouse development on the southeast corner. Power lines run along the eastern edge of Smith Level Road.



C) Rural to Urban Gateways

1) Jones Ferry Road and Old Fayetteville Road

The Jones Ferry Road gateway provides one of the most dramatic transitions from a rural area to an urban setting. Old Fayetteville Road is the dividing line for a low density area to the west associated with the Town's water supply watershed, known as the University Lake Watershed, and one of the highest density residential areas in Carrboro. The land on the southeast corner is vacant wooded property and low density single family residential on the southwest corner. On the opposite side, "urban" development begins with wooded multi-family development on the northeast corner, and a rest home on the northwest corner. Approximately 8,800 trips a day are made through this gateway.

Sidewalks are provided along the northeastern corner of the intersection in front of the Woodbridge Apartments. The roadway in this area consist of two travel lanes and a left turn lane. Curb and gutter edges the two urban corners of the road and drainage swales indicative of rural character, edge the rural corner of the roadway. Power lines run along the northwestern side of Jones Ferry Road.



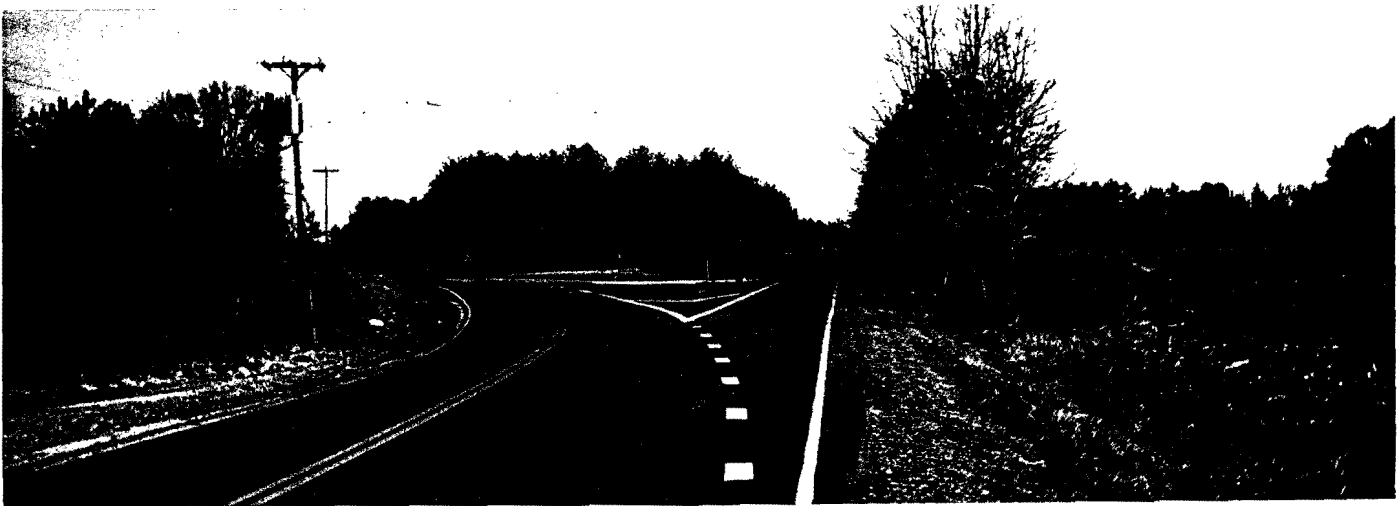
2) Highway NC 54 West and Old Fayetteville Road

This gateway provides the eastbound traveler with not only a gateway to Carrboro but a gateway to the whole Raleigh-Durham-Chapel Hill urbanized area. Travelers approaching this gateway area provided with a panoramic view of Carrboro with the UNC Hospital Tower visible on the horizon almost three miles away. This is a relatively wide gateway making a transition from a two-lane State route to a four lane divided road with a raised landscaped median. The western edge of this gateway is within the University Lake Watershed and will remain rural while the eastern edge is dominated by commercial development on the southeast corner and single family/ commercial on the northeast corner. Approximately 11,000 trips a day are made through this gateway. Utility poles are located throughout this gateway and detract from its appearance.

The town of Carrboro has placed a "Welcome to Carrboro" sign near this intersection across from the next intersection of NC 54 and Main Street. Since the Old Fayetteville Road and NC 54 intersection provides a more appropriate gateway it may be worthwhile for the town to relocate the welcome sign.



- 3) Old NC 86, Hillsborough Road, and Old Fayetteville Road
This three-way intersection provides a very pleasant rural approach to Carrboro. Expansive pastures and/or fields border the western side of this gateway. The southern and eastern edge of this three-legged approach is wooded which provides a special entrance effect in contrast to the expansive fields. Utility poles run along the eastern edge of Old 86 and Hillsborough Road. The number of trips made on average each day through this gateway is approximately 5,200 a day.



- 2) CORRIDORS
Corridors define the paths leading into Carrboro and are of three types: a) urban corridors lead the traveler from one urban community

to another; b) transitional corridors lead the traveler through an area which is presently rural but over time will become part of the urban community; and c) rural corridors lead the traveler through a rural area, which due to protective land use policies and zoning regulations will remain rural. Corridors include the rights-of-way plus 250 feet of land outside of the rights-of-way associated with the paths leading into Town. In some circumstances where special vistas have been identified along corridors, the protected area will increase to include the vista or viewway. Viewways will be discussed in more detail in the next section.

A) Urban Corridors

Carrboro's urban corridors lead the traveler from one urban community (Chapel Hill) into another (Carrboro). The land uses along these corridors are for the most part well established by the adjacent urban residential or commercial uses. Responses to these corridors will emphasize landscaping enhancements and site plan controls to blend infill developments with the existing urban fabric. The following roadways are categorized as urban corridors: 1) Estes Drive from Norfolk & Southern Railway to North Greensboro Street and 2) NC 54 from Old Fayetteville Road to Smith Level Road.

B) Transitional Corridors

Transitional corridors are for the most part located in rural areas of the planning jurisdiction which are slated for change over the next 20 to 30 years to become part of the urban community. The Town should focus most of its corridor protection efforts on transitional corridors since these areas will function differently in the future than they do today. The primary function of the roadway will change from carrying mostly through traffic to servicing the traffic circulation of adjacent land uses such as new housing and/or commercial developments. As development occurs along these corridors the pressure on the Town to approve new road connections and driveways will increase. Requests for new commercial and residential signs will increase, roadways will require street lighting, water and sewer, and other utilities will be installed and requests to construct new residential and commercial structure within the corridor will increase. New multi-modal facilities such as bus pull-offs, bikeways, and sidewalks will be required. Specific studies should be undertaken by the Town for transitional corridors to define their desired characteristic in advance of their transition from rural to urban.

Transitional corridors include the following: 1) Smith Level Road from Ray Road to Old Fayetteville Road; 2) Old 86 and Old Fayetteville Road; 3) Dairyland Road; 4) Homestead Road; and 5) Rogers Road.

C) Rural Corridors

Rural corridors provide a rural approach to the urban community through a rural area that due to the land use policy and zoning regulations will remain predominately rural in character. For the most part these approaches are located within or run along the boundary of the community's water supply watershed known as the University Lake Watershed. These rural approaches bring the traveler abruptly out the rural landscape into the urban landscape across a well defined boundary.

Rural corridors are protected from urban type development by the Town's existing land use regulations; however, development along the roadway such as strip residential is not specifically controlled. The Town's watershed regulations may even encourage such development due to the benefit of having shorter driveways to reduce impervious surface allocation. The Town may wish to further explore its impervious surface restrictions to allow bonus amounts of impervious surface for setting development further back from the roadway; thereby preserving the wooded edge. Rural corridors include the following roadways: 1) NC 54 West of Old Fayetteville Road; 2) Jones Ferry Road west of Old Fayetteville Road; 3) Smith Level Road south of Ray Road, and Damascus Church Road.

D) Viewways

Viewways define special views which may include a tree-lined corridor or an expansive panoramic vista. Views along corridors define special landmarks of natural significance which forge a strong connection to place. Tree-lined roadways may be protected within the corridor or within 250' either side of the right-of-way whereas vistas extend well beyond the corridor and in some cases for miles. Ideally these expansive vistas should remain untouched but as a practical matter it may be nearly impossible to maintain an untouched mile view. The Town should select special viewways and through detailed study determine practical approaches to maintain their aesthetic qualities. Some of the more prominent viewways include: 1) tree-line views along Smith Level Road from Rock Haven Road to Morgan Creek, Old 86 between Calvander and Hickory Forest Road, Old Fayetteville Road, NC 54 West of Old Fayetteville Road, Estes Drive, and Jones Ferry Road west of Old Fayetteville Road; 2) rural panoramic vistas along Old 86 between Calvander and Old Fayetteville Road, along Homestead Road, and at the intersection of Damascus Church Road and Smith Level Road, and NC HWY 54 West; 3) urban panoramic views along NC 54 Bypass, and the intersection of Jones Ferry Road east of Old Fayetteville Road; and 4) lake views of University Lake along Jones Ferry Road.

CONTROL OF CERTAIN DEVELOPMENT FEATURES:

Certain features contribute to the demise of the function and/or appearance of entryways if not properly controlled. Carrboro does not want its entryways to become endless strips of development, seas

of asphalt, a myriad of driveway cuts, a sign jungle, or a place where buildings dominate the landscape. Carrboro would like to continue to see special vistas maintained as they are today, buildings that are set back from the entryways so as not to dominate the roadway edge, signage which informs but does not predominate the roadway, and the retention of tree lines. Following is a list of features which should be controlled in an attempt to provide for an orderly, aesthetically pleasing entryway:

Driveways - Driveways should not be allowed to connect along corridors directly but should be encouraged to connect to subcollector, local, or minor roadway systems served directly by collector roads which access corridors. Where no such roadway system is available then driveways should be shared among several adjacent properties to minimize driveway access to corridors. Driveways should be at least 250 feet from other driveways or intersecting streets.

Road Intersections - Roadway or street intersections with corridors should be limited as well with a distance of at least 1000 feet apart. Wherever practical, only collector streets or arterial should intersect with corridors.

Corridor Cross Sections - The ultimate width of the road within the corridor should be planned well in advance so that roadside amenities will not be removed by future widening.

Corridor Rights-of-Way - The right-of-way width within corridors should be sufficient to produce a 40 to 50 foot vegetated area beyond each roadway edge. For instance a four lane roadway with a 24 foot median which comprises a 80 roadway width should have anywhere from a 160 to 180 foot right-of-way. A two lane corridor with approximately 24 foot of roadway should have a 124 foot of right-of-way.

Building Location - Buildings should be set back from the roadway so as not to dominate the landscape.

Building heights should be a low profile height of 28' to 35'.

Structures should be setback at least 90 to 100 feet from the road edge when properly screened with natural vegetation and should not be allowed within areas reserved as viewways.

New developments should be clustered and set back out of direct view from the corridor; wherever possible new subdivisions should be accessed by one or two collector roads from the corridor. New commercial developments should be located in conjunction with intersecting arterial and should be served by an internal circulation system with one or two drive connec-

tions.

Parking lots should be screened by berms, attractive fencing, landscaping, or buildings and should not be noticeable from the corridor.

Utilities - Electric, telephone, and cable utilities should be located underground wherever possible. Overhead wires require tree pruning which reduces the effectiveness of the tree buffer and has a negative impact on tree canopies.

Signs proposed for location within corridors should in addition to meeting the Land Use Ordinance be reviewed by the Town's Appearance Commission for conformity with the surroundings of the corridor.

RECOMMENDATIONS:

The following general recommendations are provided to assist the town in selecting a course of action directed toward enhancing and or preserving entryways within Carrboro's planning area.

A) GATEWAYS:

- 1) The town should promote enhancements to its gateways by designing gateway improvements for each gateway;
- 2) Gateway improvements should be prioritized and scheduled as part of the towns Capital Improvement Program;
- 3) Developers and land owners with gateway property should be encouraged to set aside gateway easements as shown on detailed gateway plans adopted by the town;
- 4) Property owners, business people, and or developers are encouraged to work with the town and with one another to help implement gateway enhancement plans;
- 5) Gateway improvements should be designed to be maintained easily and inexpensively;
- 6) A simple, durable, but attractive "Welcome to Carrboro" sign should be placed within each of the gateways leading into Carrboro.

B) Corridors:

- 1) The town should consider utilizing an "Entryway Overlay Zone" running parallel with and 250 feet from the edge of the right of way to control the following development features:
 - a) driveway connections;
 - b) road intersections
 - c) corridor cross sections
 - d) corridor rights of way

- e) building locations
 - f) building heights
 - g) building setbacks
 - h) special development controls ie. clustering and development setbacks
 - i) parking lot screening and locational criteria
 - j) utility location requirements
 - k) uniform sign controls
- 2) Property owners with property located within a corridor should be encouraged to maintain their properties in an attractive manner;
 - 3) The town should develop a detailed landscape plan for its most significant corridors;
 - 4) New roadway designs for upgrading existing roads within corridors should incorporate techniques which maintain the wooded edge and softens the appearance with planted medians,berms,and/or tree lined boulevards;
 - 5) The town should encourage commercial developments to locate at the intersections of its corridors;
 - 6) Consideration should be given to the provision of impervious surface credits or bonuses to encourage structures to be set back from the roadway edge within the watershed.
- C) Viewways
- 1) The town should identify those viewways or special vistas which should be preserved;
 - 2) View sheds associated with special vistas should be preserved by imposing restrictions on the location and or construction of structures so as to preserve the view;
 - 3) The town may wish to consider establishing transfer of development rights to preserve viewways;
 - 4) The town should co-operate with the county in devising methods for protecting those viewways located within the county's jurisdiction.

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: October 4, 1994

SUBJECT: Amendment to Miscellaneous Fees and Charges Schedule

DEPARTMENT: Administration	PUBLIC HEARING: YES ____ NO <u>x</u> __
ATTACHMENTS:	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

The Town has received a request for a copy of the domestic partner registrations. The Town does not have a fee set to cover making copies of these registrations. The purpose of this agenda item is to amend the miscellaneous fee schedule to include such a fee.

SUMMARY

Adoption of the attached amendment would set a fee of \$2.00 for each copy of a domestic partner registration made of the Town.

ANALYSIS

At the time the Board considered the domestic partners registration, the administration did not anticipate requests for copies of these documents. Since the Town has received a request for copies, a fee needs to be established. The Town currently has two copying fees one is \$.10 per page for miscellaneous copies and the other is \$2.00 per copy of police accident reports. The latter fee seems more appropriate since it and the registration are official individually generated documents produced by the Town and a search would be required to provide the copy.

RECOMMENDATION

The administration recommends that the Board amend the miscellaneous fee schedule by adding the fee of \$2.00 per copy of a domestic partner registration.

ACTION REQUESTED

To amend the miscellaneous fee schedule as recommended

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: October 4, 1994

SUBJECT: Resolution Establishing a Trial Policy for the Referral by the Town to the Dispute Settlement Center of Certain Disputes Presented to the Town

DEPARTMENT: Attorney	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Resolution	FOR INFORMATION CONTACT: Michael Brough, 929-3905

PURPOSE

The purpose of this item is to consider the adoption of a resolution establishing a policy (on a six-month trial basis) whereby the Board and Manager would be authorized to refer disputes to the Dispute Settlement Center as an alternative to the town having to resolve such disputes through the adoption or enforcement of an ordinance or the issuance or denial of a land use permit.

ANALYSIS

On May 17, 1994, the Community Building Subcommittee presented a report to the Board of Aldermen on guidelines for Board and Public Hearing discussion as well as an outline for how voluntary mediation could be used in both the land use process as well as to help resolve disputes on issues not involving land and development.

The Board adopted Board Discussion Guidelines and Public Hearing Discussion Guidelines at its meeting on June 14, 1994.

The Town Attorney has been working with the Community Building Subcommittee on the issue of establishing a process to refer disputes of various kinds to a mediation or facilitation process. The types of disputes that would be considered for referral are those where a conflict arises between neighbors or groups, and one or more parties wants the town to resolve the conflict by the adoption or enforcement of an ordinance or issuance or denial of a land use permit. Disputes with the town would not be subject to this referral policy.

RECOMMENDATION

The Community Building Subcommittee has met and recommends the adoption of the attached resolution, which establishes a dispute referral policy on a six-month trial basis. After this trial period, the Board would evaluate the policy and determine if it wishes to include this process as part of the Town Code. Under this policy, either the Board or the Manager could refer disputes to the Dispute Settlement Center. Referral to the Dispute Settlement Center stays all further action by the town pending the outcome of the mediation or facilitation process. For this reasons, referral of any dispute arising out of a request where the

applicant has a right to a response (e.g. a land use permit application) can only occur with the consent of the applicant.

There will be some cost to the town if this policy is adopted. Disputes of the type the manager is authorized to refer under the policy, usually involving just two parties, are mediated by the Dispute Settlement Center at no cost. However, a charge will be made for mediation or facilitation involving more complex disputes, such as those arising out of the land use permitting process.

ACTION REQUESTED

To adopt the attached resolution.

The following resolution was introduced by Alderman _____ and duly seconded by Alderman _____.

**A RESOLUTION ESTABLISHING A TRIAL POLICY FOR THE
REFERRAL BY THE TOWN TO THE DISPUTE SETTLEMENT CENTER
OF CERTAIN DISPUTES PRESENTED TO THE TOWN
Resolution No. 9/94-95**

WHEREAS, when conflicts or disputes arise between individuals, or neighbors, or groups, or between developers and neighbors, the Town of Carrboro and its employees or elected officials are sometimes called upon to resolve such conflicts through official action (e.g. the adoption, enforcement, or amendment of an ordinance, or the issuance or denial of a land use permit); and

WHEREAS, the Board of Aldermen believes that the interests of the parties to such conflicts or disputes may be more satisfactorily addressed if such conflicts or disputes are resolved by the parties themselves, with the assistance of a facilitator or mediator, rather than by official action by the Town; and

WHEREAS, the Board wishes to establish on a trial basis a policy for referring certain disputes to the ~~Dispute Settlement Center~~. *a Third party dispute resolution organization (DR)*

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

Section 1. Statement of Principles. The purpose and intent of the policy set forth herein is captured in the following statement of principles:

- (a) Mediation is a process of resolving disputes through collaboration with the aid of a neutral third person called a mediator who helps to fashion agreements between parties in dispute. Mediation and collaboration problem-solving emphasize the possibility and desirability of "win-win" solutions.
- (b) The Town of Carrboro believes that the process of mediation can be effective in resolving disputes involving town government and in nurturing and restoring community among its citizens. Promoting a process for mediation and collaboration can diminish polarization and engender a better knowledge and understanding between diverse individuals or groups of individuals. It can also achieve a better explanation, discovery and understanding of the needs and values of differing points of view, as well as lead to the resolution of disputes and conflicts. Finally, institutionalizing ways for dispute resolution can lead to a climate of caring, trust and more teamwork among citizens and foster an atmosphere of cooperation and connectedness that helps citizens deal with each other humanely, with respect to differences, and not as opponents in a contest.
- (c) The Town's support of a deliberative process of mediation does not mean that people cannot or should not have differing opinions or beliefs. An

aspect of a process of mediation is creating a safe environment where citizens can express their beliefs, opinions and feelings openly, and then work to try to reconcile those beliefs, opinions and feelings with ones of an opposite point of view. The purpose of such a process is not to abolish conflict but to achieve constructive outcomes from conflict.

Section 2. Referral by Board of Aldermen. The Board may refer to the ^{DRO} ~~Dispute Settlement Center (DSC)~~ any conflict or dispute whenever it appears that the services of the DSC would be helpful in either resolving the conflict or at least clarifying or narrowing the areas of controversy. When a dispute arises in the context of an application for a land use permit or other action that the town is required to take upon the request of an applicant, then such referral may only take place with the consent of the applicant.

Section 3. Referral by Town Manager. The Town Manager is authorized to refer to the ^{DRO} ~~DSC~~ disputes or conflicts under the following circumstances:

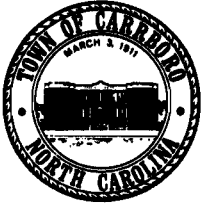
- (a) The dispute is between two individuals or a small and identifiable group of individuals; and
- (b) The manager concludes that official town action to resolve the conflict is not warranted, either because (i) no ordinance covers the matter at issue and the manager would not recommend adopting or amending an ordinance to deal with the situation, or (ii) an ordinance covers the matter but the manager does not believe that the town should use its resources to enforce the ordinance under the circumstances presented; and
- (c) ^{The DRO} The dispute is one for which ~~DSC~~ will provide mediation services without charge to the parties or the town.

Section 4. Referral of Action Pending Mediation. Once a referral is made under this policy, then the town may defer taking any further action until the mediation or facilitation process is concluded.

Section 5. The manager shall negotiate and return to the Board for its approval an agreement with ^{DRO} ~~DSC~~ covering its services under this policy. Among other matters, the agreement shall cover:

- (a) ^{The DRO} The establishment of a referral form that would notify ~~DSC~~ and the town that a dispute has been referred to ^{The DRO} ~~DSC~~.
- (b) ^{The DRO} The costs of ~~DSC's~~ services and a mechanism for assuring that such costs do not exceed any appropriation made pursuant to this policy.

Section 6. This policy shall become effective as soon as an agreement with ^{The DRO} ~~DSC~~ is executed and shall remain in effect for an initial period of six months.



TOWN OF CARRBORO

NORTH CAROLINA

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION ESTABLISHING A TRIAL POLICY FOR THE REFERRAL BY THE TOWN TO THE DISPUTE SETTLEMENT CENTER OF CERTAIN DISPUTES PRESENTED TO THE TOWN

Resolution No. 9/94-95

WHEREAS, when conflicts or disputes arise between individuals, or neighbors, or groups, or between developers and neighbors, the Town of Carrboro and its employees or elected officials are sometimes called upon to resolve such conflicts through official action (e.g. the adoption, enforcement, or amendment of an ordinance, or the issuance or denial of a land use permit); and

WHEREAS, the Board of Aldermen believes that the interests of the parties to such conflicts or disputes may be more satisfactorily addressed if such conflicts or disputes are resolved by the parties themselves, with the assistance of a facilitator or mediator, rather than by official action by the Town; and

WHEREAS, the Board wishes to establish on a trial basis a policy for referring certain disputes to the Dispute Settlement Center.

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

Section 1. Statement of Principles. The purpose and intent of the policy set forth herein is captured in the following statement of principles:

- (a) Mediation is a process of resolving disputes through collaboration with the aid of a neutral third person called a mediator who helps to fashion agreements between parties in dispute. Mediation and collaboration problem-solving emphasize the possibility and desirability of "win-win" solutions.
- (b) The Town of Carrboro believes that the process of mediation can be effective in resolving disputes involving town government and in nurturing and restoring community among its citizens. Promoting a process for mediation and collaboration can diminish polarization and engender a better knowledge and understanding between diverse individuals or groups of individuals. It can also achieve a better explanation, discovery and understanding of the needs and values of differing points of view, as well as lead to the resolution of disputes and conflicts. Finally, institutionalizing

ways for dispute resolution can lead to a climate of caring, trust and more teamwork among citizens and foster an atmosphere of cooperation and connectedness that helps citizens deal with each other humanely, with respect to differences, and not as opponents in a contest.

- (c) The Town's support of a deliberative process of mediation does not mean that people cannot or should not have differing opinions or beliefs. An aspect of a process of mediation is creating a safe environment where citizens can express their beliefs, opinions and feelings openly, and then work to try to reconcile those beliefs, opinions and feelings with ones of an opposite point of view. The purpose of such a process is not to abolish conflict but to achieve constructive outcomes from conflict.

Section 2. Referral by Board of Aldermen. The Board may refer to the Dispute Settlement Center (DSC) any conflict or dispute whenever it appears that the services of the DSC would be helpful in either resolving the conflict or at least clarifying or narrowing the areas of controversy. When a dispute arises in the context of an application for a land use permit or other action that the town is required to take upon the request of an applicant, then such referral may only take place with the consent of the applicant.

Section 3. Referral by Town Manager. The Town Manager is authorized to refer to the DSC disputes or conflicts under the following circumstances:

- (a) The dispute is between two individuals or a small and identifiable group of individuals; and
- (b) The manager concludes that official town action to resolve the conflict is not warranted, either because (i) no ordinance covers the matter at issue and the manager would not recommend adopting or amending an ordinance to deal with the situation, or (ii) an ordinance covers the matter but the manager does not believe that the town should use its resources to enforce the ordinance under the circumstances presented; and
- (c) The dispute is one for which DSC will provide mediation services without charge to the parties or the town.

Section 4. Referral of Action Pending Mediation. Once a referral is made under this policy, then the town may defer taking any further action until the mediation or facilitation process is concluded.

Section 5. The manager shall negotiate and return to the Board for its approval an agreement with DSC covering its services under this policy. Among other matters, the agreement shall cover:

- (a) The establishment of a referral form that would notify DSC and the town that a dispute has been referred to DSC.

- (b) The costs of DSC's services and a mechanism for assuring that such costs do not exceed any appropriation made pursuant to this policy.

Section 6. This policy shall become effective as soon as an agreement with DSC is executed and shall remain in effect for an initial period of six months.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 4th day of October, 1994:

Ayes: Michael Nelson, Randy Marshall, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: Hank Anderson