

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 10, 1994 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

- |               |                     |
|---------------|---------------------|
| Mayor         | Eleanor Kinnaird    |
| Aldermen      | Michael Nelson      |
|               | Randy Marshall      |
|               | Hank Anderson       |
|               | Frances Shetley     |
|               | Jacquelyn Gist      |
|               | Jay Bryan           |
| Town Manager  | Robert W. Morgan    |
| Town Clerk    | Sarah C. Williamson |
| Town Attorney | Michael B. Brough   |

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON THAT THE MINUTES OF APRIL 26, 1994 BE APPROVED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

REQUEST TO ESTABLISH A BASKETBALL TEAM

Andre Burnette and Jermaine Elliott, representing 15 children from the Carr Court community, appeared before the Board to request that a basketball team be established and that a new basketball goal be installed in their neighborhood.

It was the consensus of the Board to refer this request to the town staff for consideration. The Board also requested that Andre Burnette and Jermaine Elliott be notified of the staff's response to this request.

\*\*\*\*\*

CERTIFIED PRESENTED

Mayor Kinnaird presented a certificate to Mary Ravelette, a Carrboro resident who is the recipient of the 1994 Governor's Advocacy Award for Persons with Disabilities.

\*\*\*\*\*

CHARGES ISSUED

The Town Clerk issued "charges" to Brian Lindner and Mitchell Virchick, recent appointees to the Cable T.V. Committee.

\*\*\*\*\*

REQUEST TO MOVE GRAVES FROM CATES FARM SUBDIVISION SITE

Richard Moore, representing the developer of the Cates Farm Subdivision, requested that the Board give its approval to relocate the graves of Buck Taylor and others to another cemetery.

Ward Sutton, a professional cemetery mover, stated the grave sites cover an area approximately 30 square feet and it is estimated that the site contains seven or eight graves.

Mike Brough stated that the attorney for Cates Farm was before the Board to seek approval from the Board to move the graves and to modify the conditional use permit for the Cates Farm Subdivision.

The Board requested that the attorney representing the Cates Farm Subdivision provide the Board with a copy of the map showing the current grave sites.

\*\*\*\*\*

REQUESTS TO SET PUBLIC HEARINGS

- (1) Land Use Ordinance Text Amendment to Amend Section 15-210(b) to Define the Term "Loop Street"

The administration requested that a public hearing be set for June 21, 1994 to consider an amendment to the Carrboro Land Use Ordinance to define the term "Loop Street".

**(2) Land Use Ordinance Text Amendment Which Would Provide for Special Exceptions**

The administration requested that a public hearing be set for June 21, 1994 to consider an amendment to the Carrboro Land Use Ordinance that would provide for special exceptions.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON THAT PUBLIC HEARINGS BE SET FOR JUNE 21, 1994. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THESE PROPOSED AMENDMENTS BE SENT TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**PUBLIC HEARING/ORANGE COUNTY'S PROPOSED CIVIL RIGHTS ORDINANCE**

Lucy Lewis, with the Orange County Commission for Women, briefly explained Orange County's proposed civil rights ordinance.

Josephine Harris, a Carrboro resident and a member of the Orange County Human Relations Commission, urged the Board to adopt the civil rights ordinance and stated that she will work to have the State Legislature adopt legislation to prohibit discrimination based on sexual orientation.

Doug Ferguson, a Carrboro citizen, spoke in support of the civil rights ordinance with the request that the County Commissioners seek special legislation to prohibit discrimination based on sexual orientation.

Claire Kirch, a Carrboro resident, spoke in favor of the proposed ordinance and requested that prohibition of discrimination based on sexual orientation be included.

Joe Straley spoke in favor of the proposed ordinance with discrimination based on sexual orientation included.

Gloria Faley, a resident of Tallyho Trail, gave examples of discriminatory acts she had witnessed as a domestic partner and requested that the Board adopt the proposed civil rights ordinance with the inclusion of sexual orientation based on sexual orientation.

Susan Johnston, a Chapel Hill resident for 25 years, gave examples of discrimination based on sexual orientation and urged the Board to seek special legislation to have sexual orientation included in the ordinance.

Catherine Dickman, representing the Orange County Women's Center, urged the Board to adopt the proposed ordinance and that discrimination based on sexual orientation be included in the ordinance.

Quinton Baker, Chair of the Orange County Human Relations Commission, stated that he feels sexual orientation has to be included in the civil rights ordinance and stated that the Human Relations Commission had adopted a resolution reaffirming its commitment to the inclusion of sexual orientation as a protected class. Mr. Baker stated that EEOC is ineffective because of the number of complaints registered with them.

Derek Livingsten, Director of Pride PAC, requested that Orange County seek special legislation to have sexual orientation included as a protected class in the civil rights ordinance, and that he feels this request to the State Legislature has a better chance for passage due to the current membership of the State Legislature.

Mark Donahue, Vice-President of the Orange County Democratic Party, stated that he comes from a business that does not discriminate, but knows there are businesses in Orange County who do discriminate and urged the Board to adopt the proposed civil rights ordinance with the request for special legislation to include sexual orientation as a protected class.

Rev. Gene Hatley, President of the Chapel Hill-Carrboro NAACP, urged adoption of the proposed ordinance with the request that sexual orientation be

included as a protected class. Rev. Hatley stated that a local ordinance is needed to provide for a local process for negotiating discrimination questions, would improve access for complainants and respondents, would increase opportunities for mediation, would provide quicker resolution of complaints, could provide educational workshops, and would simplify the process for complainants.

Bill Tucker, Chair of the B'hai Faith, spoke in favor of the proposed civil rights ordinance.

Gary Cougler, a Carrboro resident and member of the B'hai Faith, urged the Board to adopt the proposed ordinance.

Joyce Roland, Chair of the Orange County Commission for Women, spoke in favor of the proposed ordinance on behalf of all the women in Orange County.

Dave Lohse, a Carrboro citizen and a University employee, spoke in favor of the proposed ordinance, but stated that he was disappointed that sexual orientation was not included as a proposed class in the ordinance.

Loren Birke, a Carrboro resident, encouraged support of the proposed ordinance and registration of domestic partners. Ms. Birke urged the Board to work to have sexual orientation included in the civil rights ordinance.

Geof Gledhill, Orange County's attorney, stated the findings of fact came from the work of the Human Relations Commission and the findings of fact go hand in hand with the ordinance.

Mike Brough suggested that the civil rights ordinance include language to limit appeals.

Lucy Lewis stated that marital status had been deleted from the ordinance after Orange County's public hearing on the civil rights ordinance. Ms. Lewis stated that the Orange County Board of Commissioners would like to have the Board of Aldermen's support of the proposed civil rights ordinance before the Commissioners adopt the ordinance.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY MICHAEL NELSON THAT THE BOARD OFFERS ITS SUPPORT OF THE PROPOSED CIVIL RIGHTS ORDINANCE WITH THE REQUEST THAT SECTION 2.1(C) BE AMENDED TO INCLUDE SEXUAL ORIENTATION AND THAT MARITAL STATUS BE ADDED TO THE ORDINANCE, IF POSSIBLE. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**DISCUSSION OF REGISTRATION OF DOMESTIC PARTNERS, ADDITION OF DOMESTIC PARTNERS TO FINANCIAL DISCLOSURE REQUIREMENTS FOR ELECTED OFFICIALS; AND EXTENDING BENEFITS TO DOMESTIC PARTNERS**

Larry Gibson, Assistant Town Manager, presented for the Board's consideration two ordinances drafted by the Town Attorney which provide for the registration of domestic partners and for the extension of financial disclosure requirements to the domestic partners of elected officials. Mr. Gibson stated that this item should also serve as a vehicle for discussing the Board's interest in extending benefits to domestic partners of town employees.

Mike Brough indicated that he would be amending the ordinance which provides for the filing with the Town Clerk of statements of domestic partnership to limit the ordinance to Carrboro residents and town employees.

It was the consensus of the Board to request that the Agenda Planning Committee schedule a public hearing on this matter following the Board's summer break.

\*\*\*\*\*

**REPORT FROM CARRBORO DAY STRUCTURE COMMITTEE**

David Griffiths, Chair of the Carrboro Day Structure Committee, presented a report on the committee's discussions and recommendations.

Mr. Griffiths stated that the committee had sent out a questionnaire to 108 Carrboro citizens from different neighborhoods and businesses in Carrboro to obtain community input on the possibility of an event. Most support was given to having Carrboro Day in the Spring as a one-day event. Activities

most preferred were band music and singing, an arts and crafts display, an event tied to opening of the Town Commons/Farmers' Market, and a restaurant sampler. A proposed budget of \$9,483 (\$7,781 in direct costs and \$1,702 in-kind services) for the event has been submitted to the Board for consideration in the 1994-95 budget process.

[The Board took no action, but will consider this matter during the 1994-95 budget deliberations.]

\*\*\*\*\*

#### OPTIONS FOR CONSTRUCTION OF TOWN COMMONS PROJECT

Mr. Morgan stated that the purpose of this item was to provide the Board of Aldermen with a comparison between a construction manager format versus a general contract format to build the Town Commons project and to request permission from the Board of Aldermen to proceed with construction of the project using a construction manager.

Bob Wright, a member of the Town Commons Task Force, stated that the Task Force feels the construction manager would probably work best for this project.

Alderman Marshall requested that the Town Attorney check into the possibility of using payment-in-lieu of funds for the construction of the Town Commons project.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE TOWN USE THE CONSTRUCTION MANAGER FORMAT FOR CONSTRUCTION OF THE TOWN COMMONS PROJECT, THAT THE TOWN STAFF BE AUTHORIZED TO SOLICIT PROPOSALS FOR A CONSTRUCTION MANAGER AND THAT A CONSTRUCTION COMMITTEE TO CONSIST OF TWO BOARD MEMBERS, THE PUBLIC WORKS DIRECTOR, THE PARKS AND RECREATION DIRECTOR, AND THE COMMUNITY AND ECONOMIC DEVELOPMENT BE ESTABLISHED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY - BECAUSE SHE FEELS A GENERAL CONTRACTOR WOULD BE BEST FOR THIS PROJECT)

Mayor Kinnaird and Alderman Bryan volunteered to serve on the construction committee. Alderman Marshall volunteered to serve as an alternate member.

\*\*\*\*\*

#### RECOMMENDATION FOR ARCHITECT/POLICE DEPARTMENT SPACE NEEDS STUDY

Mr. Morgan stated that the town staff was recommending that the Board contract with the firm of Cherry Huffman Architects, P.A. for a cost of \$20,016 to provide a space needs study for the Police Department which would provide program evaluations for all town departments at the Town Hall, an architectural analysis and building code review of the existing building, measured drawings, phasing relocation plans, structural analysis, mechanical and electrical systems analysis, cost estimate for renovation and new construction, and a schematic design.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE TOWN MANAGER BE AUTHORIZED TO CONTRACT WITH CHERRY HUFFMAN ARCHITECTS FOR A TOTAL COST OF \$20,016 (WHICH INCLUDES AN OPTIONAL COST OF \$3,276 FOR SCHEMATIC DESIGN WHICH THE BOARD WOULD HAVE THE OPTION OF CONTRACTING FOR AFTER THE STUDY IS COMPLETED AND THERE IS A CLEAR UNDERSTANDING OF WHAT THE SPACE NEEDS ARE AT TOWN HALL), TO PROVIDE A SPACE NEEDS STUDY FOR THE POLICE DEPARTMENT WHICH WOULD PROVIDE PROGRAM EVALUATIONS FOR ALL TOWN DEPARTMENTS AT TOWN HALL, AN ARCHITECTURAL ANALYSIS AND BUILDING CODE REVIEW OF THE EXISTING BUILDING, PROVIDE MEASURED DRAWINGS, PHASING RELOCATION PLANS, STRUCTURAL ANALYSIS OF THE EXISTING BUILDING, MECHANICAL AND ELECTRICAL SYSTEM ANALYSIS OF THE EXISTING BUILDING, AND COST ESTIMATE FOR RENOVATION. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, KINNAIRD)

\*\*\*\*\*

#### DISCUSSION OF FIRE DEPARTMENT ISSUES

The Board of Aldermen placed a discussion of the Fire Department issues on its 1994 Planning Retreat Action Agenda. Rodney Murray, Fire Chief, presented a report on this matter.

Chief Murray stated that the Fire Department is currently running efficiently but that the employees lack training in administrative duties, management

technique, writing skills, time management and day-to-day operations. The department has outgrown its present facilities--the office and living areas are in need of expansion. The equipment and apparatus are adequate, but replacement of staff vehicles and fire apparatus need to be addressed in the five-year plan. Existing staffing levels are the most significant concern facing the fire department--the present staffing levels are not even marginal and present a great liability to the town.

The Board received Chief Murray's report.

\*\*\*\*\*

**BUDGET AMENDMENT**

The purpose of this item was to amend the FY'93-94 General Fund budget for items recently approved by the Board (\$313 for N.C. Coalition for Public Transportation, \$750 for cable television consultant) and to ensure that the Transportation and Revolving Loan Funds are adjusted to reflect increased revenues and expenditures.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'93-94 BUDGET ORDINANCE" BE ADOPTED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**RESOLUTION EXPRESSING DESIRE TO ATTEMPT TO REACH CONSENSUS ABOUT AN APPROPRIATE PLAN OF DEVELOPMENT FOR THE HOGAN PROPERTY THROUGH A FACILITATED PROCESS**

On April 19, 1994, the Board of Aldermen voted 4-3 to deny a conditional use permit request for a proposed development on the Hogan property. A legal challenge to that permit denial is forthcoming. Litigation could be avoided if an alternative development proposal were submitted for which a conditional use permit could be issued under the Land Use Ordinance. Direct discussion between representatives of the Board and the Hogans might help to develop such an alternative development proposal. The Town Attorney presented a resolution for consideration by the Board.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Randy Marshall

A RESOLUTION EXPRESSING THE BOARD OF ALDERMAN'S DESIRE TO  
ATTEMPT TO REACH CONSENSUS ABOUT AN APPROPRIATE  
PLAN OF DEVELOPMENT FOR THE HOGAN PROPERTY  
THROUGH A FACILITATED PROCESS  
Resolution No. 52/93-94

WHEREAS, at its meeting on April 19, 1994, the Board of Aldermen voted 4-3 to deny a conditional use permit for a proposed development on the Hogan property; and

WHEREAS, the Board believes that it may be useful to establish a process wherein discussions could take place between representatives of the Hogan family and members of the Board on an appropriate plan of development for the property in question, in the hope that a consensus might emerge about a development plan for which a conditional use permit could be issued under the Town of Carrboro's land use ordinance;

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

Section 1. The Board endorses the following process and encourages the Hogan family to participate in this process:

- (a) The discussion session will extend over a one or two day period and will conclude no later than June 30, 1994.
- (b) The participants in the discussion will be:
  - (1) Three members of the Board, namely Jay Bryan, Jacquie Gist, and Frances Shetley;
  - (2) Four persons selected by the Hogan family;
  - (3) One facilitator, whose function will be to keep the

discussions focused on the issues and otherwise assist the group in attempting to reach a consensus; and

- (4) A professional planner, whose function will be to assist the group in understanding the planning issues and to prepare sketches of proposals under discussion as well as any decisions reached.
- (c) The objective of this discussion group will be to attempt to reach consensus about a proposed development plan for the Hogan property.
- (d) At the conclusion of the discussion process, the discussion group will report back to the Board of Aldermen as to the extent to which consensus was reached by the group.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 10th day of May, 1994:

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

Noes: None

Absent or Excused: None

\*\*\*\*\*

**GUN BUY BACK PROGRAM**

Alderman Gist stated that the Gun Control Study Committee had discussed the possibility of Carrboro participating in Chapel Hill's gun buy program and had concluded that Carrboro should join Chapel Hill.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT CARRBORO JOIN WITH CHAPEL HILL IN THE GUN BUY BACK PROGRAM. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**A RESOLUTION HONORING JAMES SPIVEY**

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

A RESOLUTION HONORING JAMES SPIVEY  
Resolution No. 51/93-94

WHEREAS, the Town recently received its commissioned publication entitled, "Carrboro Downtown Business District Guidelines for Design; and

WHEREAS, the Guidelines appear in all respects to be beautifully typed and formatted; and

WHEREAS, James Spivey, as Administrative Assistant to the Director of the Planning Department, has been primarily responsible for typing and formatting of the Guidelines; and

WHEREAS, because of the software problem, Mr. Spivey had to retype the entire 65-page documents, and then, after submitting the retyped text to advisory commissions and the Board of Aldermen for review and changes, format the text with a desktop publishing program that he had to learn as well; the formatted text was also reviewed and final changes were made after that review; and

WHEREAS, Mr. Spivey also made the text photo-ready for final copying.

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

Section 1. That the Mayor and Board of Aldermen express their thanks to Mr. Spivey for a job well done and his many hours of work on the Guidelines for Design.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 10th day of May, 1994:

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

Noes: None

Absent or Excused: None

\*\*\*\*\*

**BRIEFING ON SMART START PROGRAM**

Alderman Bryan invited Board members to attend a briefing on the Smart Start program being held at Lincoln Center at 7:30 a.m. on May 20, 1994.

\*\*\*\*\*

**MEETING WITH NCDOT OFFICIALS TO DISCUSS ROAD IMPROVEMENTS**

Alderman Shetley invited Board members to attend a meeting scheduled for 4:00 p.m. on May 16, 1994 at Carrboro Town Hall for Chapel Hill staff and Carrboro staff to meet with NCDOT officials to discuss the preliminary TIP.

\*\*\*\*\*

**BYPASS MEDIAN LANDSCAPING**

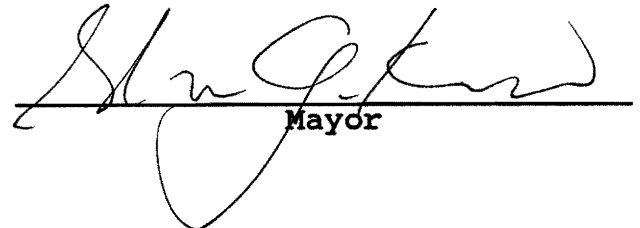
Mayor Kinnaird stated that 10 or 12 trees planted by NCDOT in the Bypass median in the vicinity of Merritt Mill Road had died and requested that the town staff contact NCDOT concerning this matter.

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE BOARD ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS AN EMPLOYMENT CONTRACT.  
VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE BOARD ADJOURN AT 11:58 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk