

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 04, 1994 at 7:30 P.M. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Michael Nelson
	Randy Marshall
	Frances Shelter
	Jacquelyn Gist
	Jay Bryan
Town Manager	Robert W. Morgan
Town Attorney	Michael B. Brough
Deputy Town Clerk	James E. Spivey
ABSENT:	Hank Anderson

#### APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JAY BRYAN THAT THE MINUTES OF SEPTEMBER 27, 1994 BE APPROVED. VOTE: AFFIRMATIVE ALL.

\*\*\*\*\*

#### PROCLAMATIONS ISSUED

Mayor Kinnaird issued a proclamation proclaiming October 24, 1994 as United Nations Day.

Mayor Kinnaird issued a proclamation proclaiming the week of October 09-15, 1994 as Fire Prevention Week.

\*\*\*\*\*

#### SISTER CITY VISITORS

Mayor Kinnaird introduced and welcomed members of the Sister City Delegation from Saratov, Russia.

\*\*\*\*\*

#### MINOR MODIFICATION/ORANGE-CHATHAM COMPREHENSIVE HEALTH SERVICES

On August 29, 1994, the Board of Aldermen received a request from Orange-Chatham Comprehensive Health Services (OCCHS) 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 reviewed the condition and now recommends that the Board of Aldermen grant the minor modification to delete Condition #8.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY MICHAEL NELSON THAT A MINOR MODIFICATION TO THE OCCHS CONDITIONAL USE PERMIT BE GRANTED WHICH DELETES CONDITION #8 THAT REQUIRES A HANDICAPPED RAMP AT THE SOUTH END OF THE SIDEWALK. VOTE: AFFIRMATIVE ALL.

\*\*\*\*\*

**REPORT FROM APPEARANCE COMMISSION/ENTRANCEWAY ENHANCEMENT AND BEAUTIFICATION PROJECT**

This project was initiated by the 1992 Planning Retreat Action Agenda. On April 20, 1993, the Board of Aldermen 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.

John Van Fleet, Appearance Commission member, answered questions of the Board.

**MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE ADMINISTRATION AND APPEARANCE COMMISSION USE THE ENTRANCEWAY PLAN AS GUIDELINES DURING REVIEW OF DEVELOPMENT PLANS, AS WELL AS PLANNING TOWN PROJECTS, WITH THE FOLLOWING CHANGES:**

1. Eliminate all references to reduction of/modification to watershed impervious surface requirements.
2. Reference to "Woodbridge Apartments" should be corrected to use the present name of the apartment complex.
3. On page #6, delete references to Culbreth Road and delete references to the possible widening of Smith Level Road. Reference Smith Level Road as the location of the watershed ridgeline and the desire to maintain Smith Level Road's rural character.

**VOTE: AFFIRMATIVE ALL.**

\*\*\*\*\*

**AMENDMENT TO MISCELLANEOUS FEES AND CHARGES SCHEDULE**

The Town received a request for a copy of the domestic partner registrations. The Town does not have a fee set to cover making copies of domestic partner registrations. Thus, this matter is to amend the Miscellaneous Fees and Charges Schedule to include such a fee

**MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY JACQUELYN GIST THAT THE MISCELLANEOUS FEES AND CHARGES SCHEDULE BE AMENDED TO ADD A FEE OF \$2.00 PER COPY OF A DOMESTIC PARTNER REGISTRATION. VOTE: AFFIRMATIVE ALL.**

\*\*\*\*\*

**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 was to consider 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.

From Board review and discussion of the proposed resolution, it was decided that the resolution should not specify the agency or organization that would receive town referrals.

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 A THIRD-PARTY DISPUTE RESOLUTION ORGANIZATION 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 a third-party dispute resolution organization (DRO).

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 any conflict or dispute whenever it appears that the services of the DRO 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 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 DRO will provide mediation services without charge to the parties or the town.
- (d) Inform the Board of Aldermen, in writing, of any and all referrals made.

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 covering its services under this policy. Among other matters, the agreement shall cover:

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

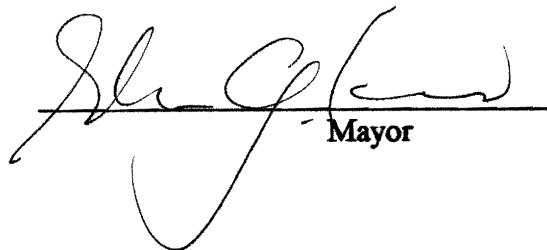
AYES: Michael Nelson, Randy Marshall, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

NOES: None

ABSENT/EXCUSED: Hank Anderson

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL TO ADJOURN THE BOARD MEETING AT 8:59 P.M. VOTE: AFFIRMATIVE ALL

  
 \_\_\_\_\_  
 Mayor

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