

**164**  
A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 19, 1996 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Hank Anderson
	Jay Bryan
	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Alex Zaffron
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 HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO APPROVE THE MINUTES OF MARCH 12, WITH ANY NECESSARY CHANGES. VOTE: AFFIRMATIVE ALL

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#### **ISSUANCE OF CHARGE TO NEW BOARD APPOINTEE**

The Town Clerk issued a charge to Sue Harvin, a recent appointee to the Human Services Commission.

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#### **REQUEST FOR USE OF TOWN COMMONS**

Manda Welch stated that she and other local artists would like to start an arts and crafts market on Sundays afternoons on the Town Commons. Ms. Welch presented a proposal for an arts and crafts market for the Board's consideration.

It was the consensus of the Board to refer this matter to the town staff and Parks and Recreation Commission for consideration.

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#### **REQUEST FROM CITIZEN**

Frank King expressed his concern about the town's domestic partners ordinance.

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#### **REQUEST FOR REVIEW OF RECREATION SPACE NEEDS**

Keith Burwell, a resident of 112 Yeargen Place, expressed concern that in attempting to sign his son up for baseball he was placed on a waiting list. In checking to see where his son was on the waiting list, he discovered that in his son's league, 70% of the participants were Chapel Hill residents and only 30% were Carrboro residents. Mr. Burwell requested the Board consider a policy of allowing Carrboro residents to sign their children up first for Carrboro recreation programs.

Alderman Anderson stated that this matter had been discussed at the most recent Assembly of Governments meeting and the problem is the lack of facilities for recreation programs.

It was the consensus of the Board to request that the town staff and Recreation and Parks Commission review this matter and bring a report back to the Board of Aldermen.

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#### **REPLANTING OF BUFFER/LOT 148/LAKE HOGAN FARMS**

Chris Hogan stated that he had talked with his neighbors concerning replanting the buffer between his property and his neighbors' property. Mr. Hogan stated that Allen Finkle and Carolyn Miller were not interested in working with him in this matter. Allen Swartz stated that he was very willing to work with him to decide what

would be satisfactory with him to replace the buffer. Mr. Swartz stated that he was willing to wait until the Fall of 1996 to replant the buffer. Mr. Hogan requested that the Board authorize him to wait until this fall to replant the buffer because of his inability to keep the trees watered during the Spring and Summer.

It was the consensus of the Board to request a chronology of events taking place in this incident prior to taking any action on Mr. Hogan's request.

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**PUBLIC HEARING/REQUEST TO CLOSE TOWN HALL DRIVE AND A PORTION OF LAUREL AVENUE FOR CARRBORO DAY**

The Carrboro Day Planning Committee has submitted a request to temporarily close Town Hall Drive and a portion of Laurel Avenue (from Main Street/Laurel Avenue intersection to the third exit to the Swish Car Wash on Laurel Avenue) from 12:00 noon to 9:30 p.m. on Saturday, May 4th (rain date: May 18th) to accommodate Carrboro Day. Street closing permit applications require a public hearing prior to Board review and approval.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Alex Zaffron

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF TOWN HALL DRIVE AND LAUREL AVENUE TO ACCOMMODATE CARRBORO DAY  
Resolution No. 26/95-96**

**THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:**

Section 1. The following street shall be temporarily closed on Saturday, May 4, 1996 (rain date: Saturday, May 18) during the specified time period (12:00 noon to 9:30 p.m.) to accommodate Carrboro Day. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code:

- a. Laurel Avenue from the Main Street/Laurel Avenue intersection to the third exit to the Swish Car Wash on Laurel Avenue
- b. Town Hall Drive

Section 2. The Public Works Department shall provide support for equipment set-up and disassembly and provide facility maintenance during the event.

Section 3. The Public Works Department shall provide and install temporary traffic control devices on the day of the closing (barricades, cones and signs).

Section 4. The Public Works Department shall provide a portable dumpster and roll-out containers for the collection of solid waste and recyclables generated by the event.

Section 5. The Police Department shall provide an officer(s) for security and shall notify Central Communications, on the event day, when the street is closed and when re-opened.

Section 6. 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 19th day of March, 1996:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

**MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO REMOVE THE REQUIREMENT FOR A PUBLIC HEARING BEFORE CLOSING THE STREET FOR THE ANNUAL CARRBORO DAY CELEBRATION." VOTE: AFFIRMATIVE ALL**

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**REPORT FROM POLICE CHIEF ON UPCOMING TOUR DUPONT BICYCLE RACE**

Chief Callahan presented a status report on the Tour Dupont bicycle race scheduled for May 4, 1996. Chief Callahan stated that the Highway Patrol is coordinating traffic control. The roads will be closed ten minutes before the bicyclists come through. Weaver Street and Main Street will be closed for no more than 30 minutes. The event coordinator is asking that the Police Department obtain volunteers to cover driveways. Chief Callahan stated that the streets will not be blocked before 1:00 p.m. Chief Callahan stated that the town had sent a street closing application to the coordinator of the race, but he does not know whether they will following the procedure.

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**INCREASING CIVIL PENALTIES FOR LAND USE VIOLATIONS**

The Board requested that the Town Attorney draft an amendment to the Land Use Ordinance that would provide for increased civil penalties to deter violations of the Land Use Ordinance. The amendment prepared by the Town Attorney responds to the Board's request. If adopted, it would authorize civil penalties up to \$5,000.00, the amount to be determined by the zoning administrator based upon a series of factors, and subject to appeal to the Board of Adjustment.

It was the consensus of the Board to request a report on examples of past violations.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON TO SET A PUBLIC HEARING FOR APRIL 23, 1996 ON THE PROPOSED AMENDMENT AND THAT IT BE REFERRED TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT FOR REVIEW AND RECOMMENDATIONS.  
VOTE: AFFIRMATIVE ALL

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**REPORT FROM SMALL AREA PLAN FACILITATION COMMITTEE**

The Board of Aldermen established a subcommittee consisting of Diana McDuffee, Jacquelyn Gist, and Jay Bryan to work with town staff to plan a facilitated meeting process to address concerns about the proposed *Small Area Plan* and to recommend the next step in the process.

Alderman McDuffee stated that the subcommittee, consisting of Aldermen McDuffee, Gist and Bryan were recommending that a facilitation steering committee be established consisting of 2 members of the Orange County Board of Commissioners, up to 2 members of the Chapel Hill Town Council, 3 members of the Carrboro Board of Aldermen, 4 members from the Study Area, and 1 member from the Small Area Planning Work Group. The steering committee will agree on the goals of an inclusive process for the facilitated meeting, to plan a facilitated meeting process that enables the participants to reach consensus among the interested parties, to prepare a budget recommendation that addresses the issue of sharing the costs for the facilitated meeting with the jurisdictions having an interest in the planning process, and to coordinate the logistics of scheduling and setting up the facilitated meeting.

Kathy Kaufman questioned the time line for this matter. Ms. Kaufman presented a proposed agenda for the discussion at the facilitated meeting.

Jef requested that the completion date for this project be amended or thrown out.

Erwin Gutzwiller asked how the residents outside of the Carrboro city limits would be represented equally. Mr. Gutzwiller stated that the residents of his neighborhood are very concerned they have no real say as to what plan the Board of Aldermen adopts.

Linda Roberts requested that the final action on adoption of the Small Area Plan scheduled for January, 1997 be changed.

Alderman Bryan suggested that the steering committee review the time line for this matter.

MOTION WAS MADE BY JAY BRYAN TO:

1. AUTHORIZE THE ESTABLISHMENT OF THE FACILITATION STEERING COMMITTEE TO CONSIST OF:
  - A. 2 members of the Orange County Board of Commissioners
  - B. up to 2 members of the Chapel Hill Town Council

- C. 3 members of the Carrboro Board of Aldermen
  - D. Representatives from the neighborhoods located within the Study Area
  - E. 1 member from the Small Area Planning Work Group
2. THAT THE ORANGE COUNTY BOARD OF COMMISSIONERS, CHAPEL HILL TOWN COUNCIL, AND CARRBORO SMALL AREA PLANNING WORK GROUP BE REQUESTED TO NOMINATE INDIVIDUALS TO SERVE ON THE COMMITTEE.
  3. THAT THE TOWN OF CARRBORO PAY ANDREW SACHS, PUBLIC DISPUTES COORDINATOR WITH THE ORANGE COUNTY DISPUTE SETTLEMENT CENTER \$70.00 PER HOUR TO ASSIST THE FACILITATION STEERING COMMITTEE.
  4. THAT THAT THE CHARGE OF THE FACILITATION STEERING COMMITTEE WILL BE TO:
    - A. MEET AND AGREE ON THE GOALS OF AN INCLUSIVE PROCESS FOR THE FACILITATED MEETING.
    - B. PLAN A FACILITATED MEETING PROCESS BY COMSENSUS.
    - C. PREPARE A BUDGET RECOMMENDATION THAT ADDRESSES THE ISSUE OF SHARING THE COSTS FOR THE FACILITATED MEETING WITH THE JURISDICTIONS HAVING AN INTEREST IN THE PLANNING PROCESS;
    - D. TO COORDINATE THE LOGISTICS OF SCHEDULING AND SETTING UP THE FACILITATED MEETING.
    - E. TO REVIEW THE TIME LINE FOR ADOPTION OF THE SMALL AREA PLAN.
    - F. THAT THE COMMITTEE IDENTIFY SPECIFIC GROUPS OR INDIVIDUALS AFFECTED BY THE SMALL AREA PLAN.

THAT THE COMMENTS RECEIVED AT TONIGHT'S MEETING BE PASSED ON THE FACILITATION STEERING COMMITTEE. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request that the town staff identify the neighborhoods located in the Small Area Plan study area.

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**STATUS REPORT: UNC LAND USE PLANNING ADVISORY COMMITTEE**

Roy Williford, the town's Planning and Economic Development Director, presented a report from Carrboro University Land Use Planning Advisory Committee on the status of land use planning for UNC's outlying properties.

Alderman Bryan suggested that the Board of Aldermen hold a public forum on the proposed plan in April.

It was the consensus of the Board to refer this matter to the Agenda Planning Committee to schedule a public forum in April.

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**TOWN COMMONS PROJECT**

Mr. Morgan stated that the administration had requested a Certificate of Occupancy for the Town Commons project from the Zoning Division, but there are a number of incomplete site improvements. Mr. Morgan stated that these improvements have not been completed because of the recent bad weather. The incomplete site improvements include:

- 1) The installation of a "Maximum Penalty \$100" sign at the handicapped parking spaces at the southeastern corner of the site (Laurel Avenue lot);
- 2) Stripe and add signs for the handicapped parking spaces at the southwestern corner of the site (Bim Street);

- 5) Pave or concrete the exit onto Bim Street a minimum of 15 feet back from the existing street;
- 4) Complete the installation of the timbers for the planter on each side of the Bim Street exit and along the southern edge of the Bim Street parking lot back to the adjacent walkway;
  - 5) Complete the installation of the plantings around the Bim Street exit and around the southern end of that parking lot;
  - 6) Dress up (i.e., fine grade and seed) the area adjacent to the southern end of the Bim Street parking lot;
  - 7) Complete the installation of the screening (plantings and fencing) along the site's southern property line; and
  - 8) Install a bike rack (capacity 10 bikes) in the vicinity of the proposed playground area.

Mr. Morgan stated that the remaining items should be completed within the next two weeks.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. VOTE: AFFIRMATIVE ALL

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#### APPOINTMENT TO HUMAN SERVICES COMMISSION

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO APPOINT LILLIE ATWATER TO THE HUMAN SERVICES COMMISSION. VOTE: AFFIRMATIVE ALL

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#### CANCELLATION OF BOARD MEETING

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON TO CANCEL THE APRIL 9, 1996 MEETING OF THE BOARD OF ALDERMEN DUE TO THAT BEING SPRING BREAK FOR THE LOCAL SCHOOL SYSTEM. VOTE: AFFIRMATIVE ALL

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#### TRAFFIC PROBLEMS/TENNIS CLUB ESTATES

It was the consensus of the Board to refer the letter from the Tennis Club Estates concerning various traffic problems to the Transportation Advisory Board with the request that the residents of that neighborhood be notified when the TAB schedule a discussion of this matter.

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#### TOWN COMMONS BANDSTAND DESIGN

Alderman Bryan requested that a Board member be chosen to replace Eleanor Kinnaird to review the design of the bandstand for the Town Commons.

Mayor Nelson volunteered to serve.

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#### WORKSESSION ON ARCHITECTURAL PRINCIPLES

Alderman Bryan stated that Jack Haggerty had volunteered to meet with the Board of Aldermen to discuss architectural principles and that he had suggested the Board might also wish to have a civil engineer meet with the Board to discuss how to read blueprints. Alderman Bryan requested that the Agenda Planning Committee schedule such a worksession.

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**FORMATION OF A BUDGET COMMITTEE**

Alderman Bryan stated his desire to establish a budget committee for the 1996-97 budget Alderman Bryan stated that he would like to work with the Town Manager in establishing a charge for the committee for consideration by the Board of Aldermen on April 2, 1996.

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**REQUEST FOR TELEPHONE IN THE BOARD ROOM**

Alderman Caldwell requested that the town staff check into the possibility of installing a telephone in the Board Room for emergency use.

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**PARKING ON SHELTON STREET**

Alderman Zaffron requested that the town staff investigate whether there is illegal parking on Shelton Street.

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**STATUS REPORT/HILLSBOROUGH/OLD FAYETTEVILLE ROAD IMPROVEMENTS**

Alderman Zaffron stated that Transportation Advisory Committee at its meeting on March 13, 1996 had voted to support the town's position to proceed with the improvements to Hillsborough Road and Old Fayetteville Road and asked for further direction on this matter.

It was the consensus of the Board to request the Town Manager to arrange a meeting of the town's legislation delegation and representatives of the Board of Aldermen to discuss funding of this project.

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MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO ADJOURN AT 11:00 P.M. VOTE: AFFIRMATIVE ALL

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Michael R. Nelson  
Mayor

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Town Clerk