

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 19, 1998 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

- Mayor Michael Nelson.
- Aldermen Hank Anderson
- Hilliard Caldwell
- Jacquelyn Gist
- Diana McDuffee
- Allen Spalt
- Alex Zaffron
- Town Manager Robert W. Morgan
- Deputy Town Clerk James E. Spivey
- Town Attorney Michael B. Brough

NOISE COMPLAINT

Richard Ellington, resident at 109 Bruton Drive, requested that the noise ordinance be enforced in regards to vehicles with very loud bass speakers.

Mr. Ellington was informed that the town attorney and the police chief are presently reviewing the Town's noise ordinance in regards to issues arising in the Lloyd-Broad Street community. Mr. Ellington was informed that his concerns would be addressed when the Board addresses the Lloyd Broad Street issues.

APPROVAL OF MINUTES

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MAY 12, 1998 MINUTES. VOTE: AFFIRMATIVE ALL.

STREET CLOSING REQUEST/TOWN OF CARRBORO'S INDEPENDENCE DAY CELEBRATION

The administration requested adoption of a resolution authorizing the temporary closing of Town Hall Drive and portions of Laurel Avenue and West Main Street to accommodate the town's Independence Day Celebration.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hilliard Caldwell-

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF TOWN HALL DRIVE, AND
 PORTIONS OF LAUREL AVENUE AND WEST MAIN STREET TO ACCOMMODATE THE
 TOWN'S INDEPENDENCE DAY CELEBRATION
 Resolution No. 3 8/97-98

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. In order to accommodate the Town of Carrboro's Independence Day Celebration and the re-location of the Farmers Market as a result of the Independence Day Celebration, the following streets shall be temporarily closed on Saturday, July 4, during the following time periods:

1. Town Hall Drive from 6:00 a.m. to 7:00 p.m.
2. Laurel Avenue, from the Main Street/Laurel Avenue intersection to the third exit to the Swish Car Wash on Laurel Avenue from 6:00 a.m. to 7:00 p.m.
3. West Main Street, from the Main Street/Laurel Avenue intersection to the Main Street/Fidelity Street intersection, including the Main Street/Ashe Street intersection from 6:00 a.m. to 10:30 a.m.

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:

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 officers for security and traffic control and shall notify Central Communications, on the event day, when the streets are 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 May, 1998:

Ayes: Hank Anderson, Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

APPOINTMENT TO RECREATION AND PARKS COMMISSION

The Chair of the Recreation and Parks Commission recommended that Monica Nees be appointed to one of the vacant seats on the Recreation and Parks Commission.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPOINT MONICA NEES TO THE RECREATION AND PARKS COMMISSION. VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING LAND USE ORDINANCE TEXT AMENDMENT/FENCES AND BERMS

The Mayor and Board of Aldermen continued their discussion of two proposed amendments to the Land Use Ordinance. The amendments, if adopted, would prohibit developers of major residential subdivisions from constructing fences or berms more than three feet in height, and will allow fences or berms to be located without regard for the building setback, if located along the rear lot boundary of lots having frontage along both the rear and front of such lots.

Patricia McGuire, Land Use Planner, made the staff presentation. Ms. McGuire reviewed the modification of the proposed definition of berm and explained the proposed criteria for slopes of berms that would be permitted.

Alderman Caldwell requested that staff review the conditional use permit issued for McDougale Middle School in reference to the berm on the school property and its upkeep.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

From the Board deliberation of this matter, the proposed subsection 15-149(c)(5) was modified to read as follows:

- (5) Construction by the developer of a major residential subdivision of an opaque, fence, wall or berm more than three feet in height around any portion of the periphery of such subdivision, except under circumstances where such fence, wall or berm is designed to shield the residents of such subdivision from the adverse effects of any adjoining nonresidential use (other than a street). Notwithstanding the foregoing, a berm of more than three but less than four feet in height shall be

allowed under the foregoing circumstances where (i) the side slopes of the berm are constructed at a steepness ratio of 4:1 to 6:1 and (ii) the average height of the berm does not exceed three feet.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO ADOPT THE ORDINANCE, WITH NOTED CHANGES, ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT DEVELOPERS OF MAJOR RESIDENTIAL SUBDIVISIONS FROM CONSTRUCTING FENCES, WALLS, OR BERMS MORE THAN THREE FEET IN HEIGHT." VOTE: AFFIRMATIVE ALL

PRESENTATION OF OWASA ASSESSMENT POLICY

Joel Broun, Chair of the OWASA Board, presented OWASA's Assessment Policy Applicable to Water and Sewer Service Extensions to Existing Unserved Neighborhoods. Ms. Broun requested that the Mayor and Board of Aldermen submit feedback regarding the Assessment Policy by August 1998. Ms. Broun informed the Mayor and Board of Aldermen that the OWASA Board of Directors will have a meeting on May 27, 1998 at 7:00 PM in the Community Room of the OWASA Building regarding service availability fees.

By consensus, the Board of Aldermen requested that the Agenda Planning Committee schedule the Assessment Policy for discussion prior to the joint meeting with the OWASA Board of Directors and the Aldermen; directed staff to note in the advertisement regarding this matter that public input is solicited; and requested that OWASA forward a copy of the Tiered Service Availability Fees Proposal to the Board of Aldermen.

BOLIN AND MORGAN CREEK STUDIES

Roy Williford, the town's Planning Director, presented a suggested scope of work for a corridor study of both the Morgan Creek and Bolin Creek and requested authorization to make application for a grant from the Clean Water Management Trust Fund.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO AUTHORIZE THE TOWN STAFF TO PROCEED WITH THE PREPARATION OF AN APPLICATION FOR A GRANT FROM THE CLEAN WATER MANAGEMENT TRUST FUND.
VOTE: AFFIRMATIVE ALL

PROPOSED BUDGET REVIEW SCHEDULE

Robert Morgan presented a proposed budget review schedule. Alderman McDuffee stated that she would be unable to attend the May 26, 1998 and May 28, 1998 meetings but would be available for the remainder of the schedule.

UNC'S PARKING PERMIT POLICY

Alderman McDuffee stated that UNC has changed its policy on the issuance of parking permits. She stated that free park-n-ride passes are given to people who live beyond a two-mile radius of the University and beyond a quarter of a mile of a bus stop. Alderman McDuffee stated that this could have a major impact on the Town's park-n-ride lots.

By consensus, the Board directed staff to investigate UNC's new parking permit policy and present a report regarding the impact of the parking permit policy on the Town's park-n-ride lots.

DISCUSSION TOPICS

Mayor Nelson suggested that the Board of Aldermen develop a list of topics to be discussed with the OWASA Board of Directors prior to the joint meeting so that the compiled list of topics can be forwarded to the OWASA Board prior to the joint meeting.

MARGARET BROWN LETTER

Mayor Nelson requested that Margaret Brown's letter regarding solid waste be scheduled as an agenda item for discussion.

CARR COURT HEADSTART FACILITY

The Board was informed that the Headstart facility in the Carr Court Community cannot be used after hours for night classes. The Board of Aldermen stated that this situation is in conflict with the agreement. The Board directed staff to contact the Board of Education and request that Nick Didow, Chairman of the Board of Education, attend a Board of Aldermen meeting to discuss this matter.

BALDWIN PARK ACTIVITY

The Board requested that recreational activities at Baldwin Park be placed on the agenda for discussion. Additionally, the Board requested a report from the Parks and Recreation Department regarding statements that recreational activities are not scheduled in Baldwin Park due to criminal activity in the area.

CLARIFICATION FOR THE PURPOSE OF THE CLOSED SESSION

The Board questioned what action is expected to be taken during the closed session.

Gayle Wilson, Chapel Hill Public Works Director, explained that the purpose of the requested closed session was for the Board of Aldermen to review a resolution which would authorize the option to purchase contract. From review of the proposed resolution, the Board's LOG representatives would receive direction as to what the full Board's opinion is.

REQUEST FOR CLOSED SESSION

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST TO GO INTO CLOSED SESSION TO DISCUSS ACQUISITION OF PROPERTY. VOTE: AFFIRMATIVE ALL.

REQUEST TO ENTER INTO OPEN SESSION

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST TO GO BACK INTO OPEN SESSION TO CLARIFY THE NEED FOR A CLOSED SESSION. VOTE: AFFIRMATIVE ALL.

Mike Brough, Town Attorney, explained that the Mayor and Board of Aldermen would be discussing the price and other terms of property acquisition. Mr. Brough explained that under the terms of closed session legislation, if the price of land and terms of property acquisition are to be discussed, a closed session is warranted and justified.

REQUEST FOR CLOSED SESSION

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST TO GO INTO CLOSED SESSION TO DISCUSS ACQUISITION OF PROPERTY. VOTE: AFFIRMATIVE ALL.

REOUEST FOR OPEN SESSION

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST TO GO INTO OPEN SESSION TO DISCUSS THE ACQUISITION OF PROPERTY. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST THAT THE MEETING BE ADJOURNED AT 9:30 P.M. VOTE: AFFIRMATIVE ALL.

Michael R. Nelson
Mayor

James E. Spring
Deputy Town Clerk