

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 23, 1999 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Hilliard Caldwell
Aldermen	Joal Hall Broun
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	James E. Spivey
Town Attorney	Michael B. Brough

Absent:

Mayor	Michael Nelson
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ARBOR DAY POSTER CONTEST WINNERS' RECOGNITION

Mayor Pro Tem Hilliard Caldwell recognized the Carrboro Elementary and McDougale Elementary Schools' winners of the Arbor Day Poster Contest. The Carrboro Elementary School winners were Katie Marquardt, Lauren Traugott-Campbell, Emmeline Zhao, Naomi Serling-Boyd, Jennifer Dawson, and Jordan Woodson. The McDougale Elementary School winners were Val Wiseman, Jenni Hoffman, Heather Minchew, Amy Davis, Matthew Sommer, and Libby Wilcosky.

KENT WOODLANDS HOMEOWNERS' ASSOCIATION REQUEST

Syd Alexander, on behalf of the Kent Woodlands Homeowners Association, stated that there is open space on a portion of Smith Level Road where a wooden fence has been constructed. A letter was sent to the Kent Woodlands Homeowners Association by Chris Murphy, one of the town's zoning specialists, informing them that the sign is in violation of the setback requirement requiring that the sign be setback 25 feet from the Smith Level Road right-of-way. The sign has been moved so that the setback encroachment is no longer an issue. The second issue is the town's land use ordinance requirement stating that no developer may construct a fence along any portion of the periphery of the property. The developer did not build this fence, the fence was constructed by the homeowners association of which the developer is a member of the homeowners association and will be until the property is built out. Mr. Alexander stated that the fence had been constructed last year prior to the town's adoption of the ordinance restricting the constructing of fences along the periphery of property. Mr. Alexander stated that rather than taking an appeal to the Board of Adjustment, it was decided to bring a petition to the Board of Aldermen for an interpretation of whether this ordinance was intended to apply to the type of fence that was constructed.

Alderman Spalt asked how far the fence extends.

Mr. Alexander pointed out the boundary of the fence on a site plan of the project.

Alderman Spalt stated that the portion of the fence along Smith Level Road serves one purpose and the other portion of the fence that runs behind the houses serves another purpose.

Mr. Alexander stated that his clients have told him that the fence was constructed behind the houses to limit the children's access to the road. The intent was not to try to create a division of neighborhoods.

Alderman Gist stated that she would presume the children from the two neighborhoods would play together and suggested that a gate be put in the fence behind the houses to allow the children to go through.

Mr. Alexander stated that the children can go around the end of the fence to gain access to the other neighborhood.

Mike Brough stated that this matter is before the Board of Aldermen and not the Board of Adjustment because the ordinance provision is relatively new and the Kent Woodlands request is not clearly covered by the ordinance. The Board might wish to amend the ordinance in some way to allow the homeowners association to retain the fence. If the ordinance is not amended, the homeowners would be required to take down the fence.

Alderman McDuffee stated that it was unclear to her why this fence would not fall under the ordinance provisions and was concerned about the fairness issue if they were allowed to keep the fence.

Alderman Zaffron asked if the current ordinance could be interpreted so that the fence complies.

Mike Brough stated that the staff's interpretation is that this fence falls under the provisions of the ordinance.

Alderman Zaffron asked whether the fence was shown on the approved site plan.

Mr. Alexander stated that the fence was not required to be shown on the site plan.

Mike Brough stated that if the developer were constructing the fence, it should have been shown on the approved site plan. Individual homeowners would not be required to get a permit to install a fence. One way to interpret the ordinance is if the developer controls the homeowners association, the homeowner association is the developer. If this interpretation is made, then the fence would have to be removed. Of course, individual homeowners could put the fence back up.

Alderman Zaffron suggested that the developer be required to submit a conditional use permit modification indicating the installation of the fence for the Board's consideration.

Mike Brough suggested that if the Board wishes to revisit the terms of the ordinance, the Board should set an agenda item to discuss the matter. If the Board does not wish to reconsider the ordinance, the staff would inform the homeowners that the fence will have to come down.

Alderman Gist stated that she did not want the appearance of a loophole in the ordinance, when the town required a developer to remove a berm.

Denise Cross, a member of the Kent Woodlands Homeowners Association, stated that he firmly believes this fence is there to protect the children in the subdivision. The fence has been installed to prevent the children from going out to Smith Level Road. The fence serves a very useful purpose.

Alderman Spalt stated that the fence along Smith Level Road came up during the conditional use process, was there any allowance for the fence.

The answer was given that no it was not.

Alderman Spalt asked for a couple options for modifying the language of the ordinance, one of which would deal with the ambiguity of the developer and homeowners association, and one dealing with certain kinds of safety barriers along major roads.

Alderman Gist asked for minutes of the homeowners' association meeting where this fence was discussed.

Mr. Alexander stated that he would check to see if there were minutes available and if so, would provide the Board with copies.

Alderman Zaffron asked that the town staff offer an analysis of what type structure the homeowners' association could construct within the requirements of the ordinance, if one exists.

By consensus, the Board directed that this issue be referred to the Agenda Planning Committee to be scheduled as an agenda item; that the Town Attorney present options to clarify the ambiguity in the existing language of the Land Use Ordinance regarding "developer" and "homeowners' association" in reference to this matter; that staff review the structure erected by the Homeowners' Association and present options of what kind/type of structure could be erected to address the concerns of the Homeowners' Association without having to modify the existing text of the Land use Ordinance; that staff present a transcript/summary of the Board's discussion of this matter; and that Mr. Alexander supply the Board with a copy of the Minutes of the Homeowners' Association meeting at which this issue was initially discussed.

TOWN COMMONS/FARMERS' MARKET SIGN

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JACQUELYN GIST TO APPROVE SIGN OPTION "B" FOR THE TOWN COMMONS/FARMERS' MARKET SIGN WITH THE GRAMMATICAL CHANGE, IF APPLICABLE. VOTE: AFFIRMATIVE ALL.

Patrick Mulkey, President of the Board of Directors of the Farmers' Market, stated that shrubbery and bedding plants would be donated to landscape the new Town Commons/Farmers' Market sign.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE MARCH 16, 1999 MINUTES. VOTE: AFFIRMATIVE ALL.

CHARGE ISSUED

The Deputy Town Clerk issued the charge of the Downtown Development Commission to Ms. Laurie Actman.

LAND USE ORDINANCE AMENDMENT TO IMPLEMENT THE FACILITATED SMALL AREA PLAN FOR THE NORTHERN STUDY AREA

Alice Gordon, Chair of the Orange County Board of Commissioners, and Geof Gledhill, Orange County Attorney, addressed the Board. Ms. Gordon and Mr. Gledhill explained the reasoning of the Board of Commissioners' request for the sixty (60) day extension for review of the proposed ordinance to implement the Facilitated Small Area Plan for the Northern Study Area.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON THAT THE ORANGE COUNTY BOARD OF COMMISSIONERS BE GRANTED AN EXTENSION UNTIL MAY 14, 1999 FOR REVIEW OF THE PROPOSED ORDINANCE TO IMPLEMENT THE FACILITATED SMALL AREA PLAN FOR THE NORTHERN STUDY AREA. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROWN TO OPEN THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT THE PUBLIC HEARING BE CONTINUED UNTIL A RESPONSE IS RECEIVED FROM THE ORANGE COUNTY BOARD OF COMMISSIONERS AND THE BOARD OF ALDERMEN HAVE HAD TIME TO CONSIDER AND RESPOND TO THE COMMISSIONERS' RESPONSE. VOTE: AFFIRMATIVE ALL.

DISCUSSION OF ESTABLISHING A HISTORICAL COMMISSION

The purpose of this item was to discuss a suggestion made to the Board of Aldermen in May 1998 that a historical commission should be established to collect oral histories and compile historical information.

David Griffiths and Richard Ellington addressed the Board regarding this matter. Mr. Ellington distributed to the Board for review a copy of the 1920 census of the Town of Carrboro and old family photographs (circa 1918). Mr. Griffiths informed the Board that sixty-two (62) audiotapes exist which are recorded (circa 1974) interviews of Carrboro residents who worked in Carr Mill. Mr. Ellington requested financial assistance with the reproduction cost of the tapes; asked that a Carrboro History Committee be created; and requested space for storing/housing materials collected by the Carrboro History Committee.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROWN THAT A CARRBORO HISTORY COMMITTEE BE CREATED. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT DAVID GRIFFITHS AND RICHARD ELLINGTON SERVE AS CO-CHAIRMEN OF THE CARRBORO HISTORY COMMITTEE FOR AT LEAST THE FIRST SIX MONTHS. VOTE: AFFIRMATIVE ALL.

The Board stated that materials collected by the Carrboro History Committee could possibly be stored/housed in the Community Center Resource Room.

Mr. Griffiths and Mr. Ellington are to submit a budget and an organizational plan, for Aldermen review, for the Carrboro History Committee.

RESPONSE TO BOARD'S QUESTIONS CONCERNING PAY AND CLASSIFICATION MARKET STUDY

The purpose of this item was to respond to questions posed by the Mayor and Board of Alderman concerning a proposal for a market study to be conducted by Municipal Advisors, Inc. and to award a contract for the proposed services.

The Board directed that the University be included as an employer in the market study.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY DIANA MCDUFFEE THAT THE TOWN MANAGER EXECUTE THE CONTRACT FOR PAY AND CLASSIFICATION SERVICES WITH MUNICIPAL ADVISORS, INC. AT THE QUOTED PRICE OF \$8,775.00. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY DIANA MCDUFFEE THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY '98-99 BUDGET ORDINANCE" BE ADOPTED. VOTE: AFFIRMATIVE ALL.

DISCUSSION OF PEDESTRIAN ACCESS AND SAFETY/JAMES STREET AND NC 54/MAIN STREET

The purpose of this item was for the Mayor and Board of Aldermen (1) to receive a report concerning pedestrian access and safety along James Street; (2) to receive the results of a survey of James Street residents; and (3) to approve the request of James Street residents to install a speed hump along the segment of James Street between Carol Street and Lorraine Street.

Kenneth Withrow, Transportation Planner, made the staff presentation and answered questions regarding this matter.

Mari Christmas, a child resident of James Street, voiced support for the project and requested a speed bump to slow traffic in the neighborhood. Miss Christmas informed the Board that her dog was killed by a car.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT THAT A SPEED HUMP BE INSTALL ACCORDING TO THE PETITION FOR TRAFFIC CONTROL DEVICES SUBMITTED BY THE CITIZENS ON JAMES STREET AND THAT MARI CHRISTMAS BE COMMENDED FOR BRINGING THIS MATTER TO THE BOARD'S ATTENTION. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT STAFF EXAMINE JAMES STREET FROM RAINBOW DRIVE UP TO HILLSBOROUGH ROAD TO DETERMINE WHETHER A SPEED HUMP IS WARRANTED IN THIS AREA. VOTE: AFFIRMATIVE ALL.

By consensus, the Board suggested that they be supplied an update from Staff and the Transportation Advisory Board of what the sidewalk needs and the budgetary costs associated with those needs are and that the sidewalk issue be included in the Millennium Bond.

DESIGN REVIEW COMMITTEE MEETING

Robert Morgan informed the Board the next Design Review Committee meeting is scheduled for March 31, 1999 at 7:30 PM; the place is yet to be determined.

ENVIRONMENTAL ADVISORY BOARD REQUEST

The Environmental Advisory Board (EAB) requested that it be allowed to review and comment on the matter of the golf facility.

By consensus, the Board approved the EAB's request.

BUDGET REQUEST

The Orange Community Housing Corporation submitted a budget request after the deadline for the Town to receive requests for FY 1999-2000.

The Town Manager was instructed to include the Orange County Housing Corporation's budget request in the FY 1999-2000 budget as usual. Other requests from non-profit agencies, that do not normally make requests of the Town, are to be included in memorandum form to the Board during budget deliberations.

INFILL DEVELOPMENT

Alderman Zaffron stated that he had received information from the Town of Chapel Hill regarding infill development and that the information would be distributed to the Board in their next agenda packet.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE MEETING BE ADJOURNED AT 9:50 P.M. VOTE: AFFIRMATIVE ALL.

Mayor Pro Tem

Deputy Town Clerk