

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 24, 1999 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Joal Hall Broun
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### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE AUGUST 17, 1999 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

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### **PRESENTATION OF QUARTERLY FINANCIAL AND PERSONNEL REPORTS**

The Mayor and Board of Aldermen have requested quarterly financial and personnel reports. The Fourth Quarter Financial and Personnel Reports are provided to the Board as information. These reports cover the period of April – June, 1999. The purpose of this agenda item was for the Mayor and Board of Aldermen to receive these reports.

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### **REQUEST TO SET A PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO INCREASE THE NOTIFICATION DISTANCE FOR PROJECTS REQUIRING SPECIAL USE PERMITS**

The Board of Aldermen has requested that an ordinance be drafted to increase the notification requirement of adjacent property owners to sites requesting special use permits from 150 feet to 500 feet. Should the Board wish to proceed with any action on this matter, the administration recommended that the Board adopt a resolution setting a public hearing for September 28, 1999 and that the ordinance be submitted for advisory board and Orange County comment.

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

A RESOLUTION CALLING A PUBLIC HEARING ON  
A LAND USE ORDINANCE TEXT AMENDMENT  
Resolution No. 19/1999-2000

WHEREAS, the Carrboro Board of Aldermen recognizes the need to consider amendments to the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on September 28, 1999 to consider adopting "An Ordinance amending the Carrboro Land Use Ordinance to Increase the Written Notification Requirements from 150 feet to 500 feet Developments Requiring Special Use Permits and to provide that notices for Conditional Use Permits Shall be Published in a Newspaper Having General Circulation in the Carrboro Area."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for comment and recommendation to the Board.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**A RESOLUTION DIRECTING INSTALLATION OF A SPEED HUMP ON JAMES STREET**

The Carrboro Board of Aldermen at their March 23, 1999 meeting directed the staff to install traffic counters on James Street between Rainbow Drive and Hillsborough Road to determine whether a speed hump is warranted along the street. The purpose of this item was for the Board of Aldermen to adopt the TAB's speed hump recommendation along the segment of James Street between Hillsborough Road and Rainbow Drive.

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

**A RESOLUTION APPROVING THE INSTALLATION OF ONE SPEED HUMP ALONG JAMES STREET BETWEEN HILLSBOROUGH ROAD AND RAINBOW DRIVE  
Resolution No. 17/1999-2000**

BE IT RESOLVED, by the Board of Aldermen the Town of Carrboro that one speed hump be installed along the following town maintained street:

James Street between Hillsborough Road and Rainbow Drive.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24<sup>th</sup> day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**RESOLUTION EXPRESSING APPRECIATION TO NCDOT FOR INSTALLING CURB, GUTTER AND SIDEWALK REPLACEMENT ON EAST MAIN STREET**

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION EXPRESSING APPRECIATION TO NCDOT  
FOR INSTALLING CURB, GUTTER AND  
SIDEWALK REPLACEMENT ON EAST MAIN STREET  
Resolution No. 14/1999-2000

WHEREAS, the N.C. Department of Transportation approved Small Urban Funds for the curb, gutter and sidewalk replacement along the 400 block of East Main Street in November 1998 and assumed all performance responsibilities for this project; and

WHEREAS, NCDOT successfully completed this project in the Spring of 1999; and

WHEREAS, this project improved the safety and appearance of the 400 block of East Main Street; and

WHEREAS, the businesses along the 400 block of East Main Street and their patrons, as well as pedestrians traveling in the Town's Central Business District, benefit greatly from these improvements.

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

Section 1. The Town of Carrboro formally expresses its appreciation to the North Carolina Department of Transportation for the successful installation of this curb, gutter and sidewalk replacement on East Main Street.

Section 2. A copy of this resolution shall be forwarded to the N.C. Department of Transportation.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**A RESOLUTION EXPRESSING APPRECIATION TO GRADY STURDIVANT**

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION EXPRESSING APPRECIATION TO  
GRADY STURDIVANT  
Resolution No. 16/1999-2000

WHEREAS, Grady Sturdivant provided the citizens of Carrboro and Orange County with humor, friendship, support, love and respect; and

WHEREAS, Grady showed outstanding service during his 24-year career with the Carrboro Fire Department; and

**WHEREAS**, Grady was instrumental in the formation of the South Orange Rescue Squad and provided assistance in its development; and

**WHEREAS**, Grady provided free service to the sick and less fortunate and was widely known for the “Montross cut”; and

**WHEREAS**, citizens, friends, the general public, and employees of the Town of Carrboro benefited immensely from having known Grady.

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

Section 1. On behalf of the citizens of the Town of Carrboro, the Board of Aldermen hereby expresses its thanks and deep appreciation to Grady Sturdivant and his family for his years of dedicated service to the community.

Section 2. The Board of Aldermen expresses its sincere regrets to the Sturdivant family at the loss of a loved one.

Section 3. This resolution shall be entered into the Board’s official minutes and a copy shall be presented to the Sturdivant family.

Section 4. This resolution shall be effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24<sup>th</sup> day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**RELIEF FUND FOR EARTHQUAKE VICTIMS**

The Board authorized the administration to collect funds at the Town Hall for the Turkey earthquake victims.

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**PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT TO CLARIFY PROVISIONS RELATING TO FENCES AROUND SUBDIVISIONS**

A public hearing was held to receive public comment on an ordinance that has been drafted to amend the text of the Land Use Ordinance to clarify the provisions relating to fences around subdivisions. This clarification, which also addresses walls, berms, and gates, has been proposed in response to a request from the homeowners in the Kent Woodlands Subdivision in association with a fence that has been erected on the periphery of their property. Following the receipt of public comment, the Mayor and Board of Aldermen may decide whether to adopt “An Ordinance Amending the Carrboro Land Use Ordinance Provisions Relating to Fences Around Subdivisions.”

Trish McGuire, the town's planner, presented the proposed ordinance amendment.

Vince Donnelly, a resident of Kent Woodlands, and President of the Homeowners Association, stated that the existing fence is in place because of safety reasons. Mr. Donnelly encouraged the Board to allow this fence to remain in place.

MOTION WAS MADE BY HILLIARD CADLWELL AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO FENCES AROUND SUBDIVISIONS," AS RECOMMENDED BY THE PLANNING BOARD. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MCDUFFEE, GIST, CALDWELL), ABSENT ONE (BROUN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO FENCES AROUND SUBDIVISIONS," AS PROPOSED BY TOWN STAFF. VOTE: AFFIRMATIVE. FIVE, NEGATIVE ONE (CALDWELL), ABSENT ONE (BROUN)

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### **A PRESENTATION OF THE REPORT OF THE MASTER RECREATION AND PARKS WORK GROUP**

The most recent efforts in intergovernmental recreation and park coordination have included the formation of a work group comprised of elected officials, citizens, staff, and interested stakeholders throughout Orange County. This work group has met over the last year and developed a report for consideration by the elected bodies in Orange County. The report was initially sent to the Board over the summer, but an updated report, complete with executive summary and appendices has been attached. Since the Orange County Board of County Commissioners initiated this effort, representatives from the County made a presentation at tonight's meeting.

David Stancil, representing Orange County, reviewed the Report from the Joint Master Recreation and Parks Work Group. Mr. Stancil stated that the Work Group made the following recommendations:

- ⇒ Creation of a Parks and Resource Lands Council
- ⇒ Inter-Jurisdictional Standards
- ⇒ Joint Design and Management of School and Park Sites
- ⇒ Public/Private Partnerships
- ⇒ Joint Capital Facilities Planning/Coordinated Land Acquisition
- ⇒ Open Facilities Policy
- ⇒ Payment-in-Lieu Changes
- ⇒ Address Existing Needs
- ⇒ Use of Current Funds and Future Funding Needs

The Board directed questions to Mr. Stancil and made suggestions for possible revisions to the report.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Allen Spalt.

A RESOLUTION RECEIVING THE REPORT OF  
THE MASTER RECREATION AND PARKS WORK GROUP  
AND REFERRING THE REPORT TO THE  
RECREATION AND PARKS COMMISSION,  
PLANNING BOARD, AND ENVIRONMENTAL ADVISORY BOARD  
Resolution No. 18/1999-2000

WHEREAS, the Town of Carrboro Board of Aldermen recognizes the importance of inter-jurisdictional coordination and its importance to the provision of recreation and park services and facilities within Orange County, and

WHEREAS, representatives from all governmental jurisdictions in Orange County have worked toward and developed a report on issues surrounding the provision of recreation and park services within the County, and

WHEREAS, this report provides recommendations for the Carrboro Board of Aldermen to consider in regards to future improvement of recreation and park services to the Town of Carrboro.

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

Section 1. The Board of Aldermen understands that this matter is to be presented to the Orange County Assembly of Governments in September 1999.

Section 2. In prelude to the Orange County Assembly of Governments' meeting, the Board receives the report and asks the Carrboro Recreation and Parks Commission, Planning Board, and Environmental Advisory Board to review the report and provide them with comment as to its value and applicability to recreation and parks services provided to Carrboro citizens.

Section 3. 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 24th day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**A REVIEW OF A REPORT ON THE SMITH MIDDLE SCHOOL PARK PROJECT**

The Board of Aldermen authorized Town officials and Alderman Spalt to discuss with Chapel Hill-Carrboro City School officials the opportunities for a collaborative school-park venture at the new Smith Middle School. The project has a deadline for letting construction documents during September 1999. The Board needs to formally commit \$75,000 in payment in lieu funds for this specific project during the initial phase for certain cost savings to be realized. This matter is before the Board to consider taking such action and to receive a draft agreement on use and maintenance associated with joint use of the fields.

The following resolution was introduced by Alderman Allen Spalt duly seconded by Alderman Diana McDuffee.

A RESOLUTION AUTHORIZING THE TOWN TO CONTINUE WORK  
ON THE SMITH MIDDLE SCHOOL AND DESIGNATING \$75,000 IN  
THE PAYMENT IN LIEU FUND FOR THIS PROJECT  
Resolution No. 20/1999-2000

WHEREAS, the Carrboro Board of Aldermen recognizes the value of community use of public school buildings and grounds, and

WHEREAS, the Board appreciates and commends the spirit of cooperation shown by the Chapel Hill-Carrboro School Board, the Orange County Board of County Commissioners, and the Board of Trustees of the University of North Carolina at Chapel Hill in striving to develop the site of the proposed Smith Middle School as a joint school-park, and

WEREAS, the Board of Aldermen and other governmental units recognize that these efforts represent savings in terms of tax dollars and increased opportunities for all of our citizens.

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

Section 1. The Board of Aldermen has received a copy of a draft agreement between the Chapel Hill-Carrboro School Board and Town of Carrboro on the project facilities and directs the Town Staff to continue pursuing collaborative efforts with school officials to further maximize efficiencies in the initial and subsequent phases.

Section 2. The Board of Aldermen further designates \$75,000 in the payment in lieu fund toward this initial phase.

Section 3. The Board of Aldermen also requests that discussion be opened in regards to indoor and outdoor facilities at Seawell Elementary, Chapel Hill High School and the new Smith Middle School so that the school complex may become more useful for the over-all community as a large community school-park.

Section 4. 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 24th day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**A REVIEW OF A REPORT TO SELL TOWN PROPERTY**

Ms. Kendall Page, representing Carrboro resident Ms. Sue Taylor, requested that the Town consider selling all or a portion of land dedicated to the Town located on Pathway Drive between the Spring Valley and FairOaks subdivisions. The administration has proceeded with analyzing the various outcomes of this request. The purpose of this item was to review the elements surrounding this request and consider proceeding with disposition of town property in accordance with N. C. General Statutes.

Richard Kinney, the town's Recreation and Parks Director presented the request.

Greg Shepard, a resident of Spring Valley, expressed his concern about the town selling property on the north side of Pathway Drive.

It was the consensus of the Board not to pursue the sale of this property at this point in time. The Board did express its willingness to grant a sewer easement to Ms. Sue Taylor.

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**PRESENTATION OF BUDGET PROCESS FOR 2000-2001**

At the conclusion of this year's budget deliberations, the Mayor and Board of Aldermen requested that the Agenda Planning Committee set a date following the summer break for the Board to discuss the budget process. The purpose of this item was to give the Board an early opportunity to discuss the budget process for 2000-2001. The Town Administration has proposed a revised process for the Board's consideration.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION ADOPTING THE VISION-BASED BUDGETING PROCESS  
AND APPOINTING A SUBCOMMITTEE TO  
PLAN AND SCHEDULE ITS ACTIVITIES  
Resolution No. 12/1999-2000

**WHEREAS**, the Carrboro Mayor and Board of Aldermen desire to improve the long- range effectiveness of its annual budget process; and

**WHEREAS**, the Board has determined that the proposed vision-based budgeting process is focused on the Town's future, setting a long-range budgeting strategy that involves community input and identifies specific goals and objectives, and marshals resources to meet those goals.

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

Section 1. The Board approves the proposed Vision-Based Budget Process for the 2000-2001 budget.

Section 2. The Board appoints Alderman Jacquelyn Gist, Alderman Diana McDuffee and Mark Dorosin to serve on a subcommittee to set specific dates for activities and to plan the Town Meeting and Board Retreats.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**RESOLUTION APPOINTING A BOARD SUBCOMMITTEE TO STUDY TECHNOLOGY AND OFFICE NEEDS OF THE BOARD MEMBERS**

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Allen Spalt.

A RESOLUTION APPOINTING A BOARD SUBCOMMITTEE  
TO STUDY THE TECHNOLOGY AND SPACE NEEDS  
OF THE MAYOR AND BOARD OF ALDERMEN  
Resolution No. 11/1999-2000

WHEREAS, the Carrboro Mayor and Board of Aldermen desire to be both efficient and effective in carrying out its responsibilities; and

WHEREAS, the Board may need office space, technology, or other services to meet these responsibilities.

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

Section 1. The Board hereby appoints Aldermen Alex Zaffron, Diana McDuffee, and Jacquelyn Gist to serve on a subcommittee to assess the space, technology and service needs of the Board members and make a recommendation to the full Board in 90 days.

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 24<sup>th</sup> day of August, 1999:

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

Noes: None

Absent or Excused: Joal Hall Broun

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**PROPERTY LINE FOR COMMUNITY CENTER PROPERTY**

Mr. Morgan asked for authorization to negotiate a settlement of a shared property line with the Lloyds along the western property line of the Community Center parking lot. The Town Manager will use a distance of 109 feet along the southern property line of the parking lot to set the corner pin. As part of the settlement construction easements and landscape easements will be sought from the Lloyd's.

It was the consensus of the Board to support the Manager's recommendation.

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**REQUEST FOR STATUS REPORT ON CARR MILL EXPANSION PROJECT**

Alderman Gist asked for a status report the on the Carr Mill Expansion project.

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**REQUEST FOR INFORMATION ON THE CHEEK SUBDIVISION**

Alderman Gist asked for information clarifying the number of units to be located in the Cheek Subdivision.

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**REQUEST FOR REPORT ON EXTENSION OF WATER TO THE LANDFILL NEIGHBORS**

Mayor Nelson requested that the town staff contact Kevin Foy to obtain a copy of the work group's report on extension of water to the landfill neighbors.

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MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFRON TO ADJOURN TO CLOSED SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY/CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 10:25 P.M. VOTE: AFFIRMATIVE ALL

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