

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 22, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

Absent:

Alderman	John Herrera
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**PUBLIC HEARING: PETITION TO PAVE LISA DRIVE**

The Board of Aldermen held a public hearing to receive public comment on a Paving Improvement Petition submitted by Lisa Drive property owners to undertake the paving improvement project of Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street. The Town staff recommended that the Board adopt a resolution directing that the Lisa Drive improvement project be undertaken.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO RECUSE ALDERMAN MARK CHILTON. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (HERRERA)

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION DIRECTING THAT THE LISA DRIVE  
IMPROVEMENT PROJECT BE UNDERTAKEN  
Resolution No. 118/2004-05

WHEREAS, the Town has received a petition requesting that Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street be improved in the following manner: street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street; and

WHEREAS, a preliminary assessment resolution has been adopted by the Board and a public hearing duly held thereon;

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

Section 1. The Town Manager shall proceed with the following street paving improvement project as provided by law: standard street paving of Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street.

Section 2. Fifty (50) percent of the total cost of this improvement (not including the costs of paving at street intersections) shall be assessed against the properties that abut Lisa Drive improvements at an equal rate per foot of frontage. However, when a project is undertaken along two (2) sides of a corner lot, 75% of the frontage of the shorter side of such lot, up to a maximum of 125 feet, shall be exempt from assessment.

Section 3. The owners of property assessed shall, within thirty (30) days after publication of the notice that the assessment roll has been confirmed, either pay the full amount at the assessment in cash or notify the Town of their election to pay the assessed amount in five (5) annual installments with interest at the rate of eight (8) percent on the unpaid principal amount. If payment on an installment basis is chosen, the first installment with interest shall become due and payable on the date when property taxes are due and payable (September 1), and one subsequent installment and interest shall be due and payable on the same date in each succeeding year until the assessment is paid in full.

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 22nd day of March, 2005:

Ayes: Joal Hall Broun, Diana McDuffee, Jacquelyn Gist, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: Mark Chilton, John Herrera

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**PUBLIC HEARING: STREET CLOSING REQUEST TO ACCOMMODATE THE POWERMAN NORTH CAROLINA ROAD RACE**

Set-Up, Inc. has submitted a Permit Application for the temporary use of town streets from 8:00 am to 12:30 pm on Sunday, May 1, 2005 to accommodate the *Powerman North Carolina* duathlon (road race). In accordance with Section 7-19 of the Town Code, a public hearing must be held to receive public input prior to issuing a Street Closing Permit.

Bill Scott, the event coordinator, addressed the Board.

Alderman Jacquelyn Gist asked if this race was for men only.

Bill Scott said that it is open to men and women and that between 35%-40% of the runners will be women.

Alderman McDuffee requested that more information be provided in the future about the race and its sponsors.

**MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)**

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF STREETS  
TO ACCOMMODATE *POWERMAN NORTH CAROLINA* ROAD RACE  
Resolution No. 119/2004-05

Section 1. The following streets shall be temporarily closed Sunday, May 1, 2005 from 8:00 am to 12:30 pm to accommodate the *Powerman North Carolina* duathlon (road race). 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.

Running Portion

1. Hillsborough Road from McDougale Middle School rear service road to Lorraine Street
2. Lorraine Street from Hillsborough Road to James Street
3. James Street from Lorraine Street to Quail Roost Drive
4. Quail Roost Drive from James Street to McDougal Middle School property

Biking Portion

5. Old Fayetteville Road from McDougal Middle School entrance to Hillsborough Road
6. Hillsborough Road from Old Fayetteville Road to city limits (and continuing into county)

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. 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 22nd day of March, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Diana McDuffee, Jacquelyn Gist, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: John Herrera

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**PUBLIC HEARING: HOUSING CODE UPDATE**

The Board of Aldermen must receive public comment prior to taking action on the revised Minimum Housing Code. The staff recommended adoption of the ordinance that amends the Town Code to include a new Chapter 17, to be entitled, "Housing."

Trish McGuire addressed the Board.

Alderman McDuffee stated that she became aware of the dangers of fireplace inserts after a fire in her neighborhood. She said that there has been a lot of discussion about this and wanted to know if there a requirement that they be inspected. Is it common to require inspection?

Rodney Murray, the Town's Fire Chief, addressed the Board. He stated that with prefab fireplaces, the only way to check is to take the siding off and the Fire Department cannot assume that responsibility or liability. It would have to be contracted out.

Alderman McDuffee asked if there is any reason that it could not be put in the housing code that an owner of a rental property should not have their fireplace inspected every year or every other year?

Chief Murray stated that it would be all right with him and that he thinks the building inspector would report the annual inspection.

Mike Brough said that there are provisions in the code – i.e.: that state law requires smoke detectors. In rental premises that have wood burning fireplaces, it mandates an obligation for annual inspection. He stated that he thinks it could be done with the appropriate language.

Alderman McDuffee stated that it is a maintenance issue and that it is frightening to think that someone may rent a house and not have the obligation to make sure the fireplace is safe. She asked staff to work on language that would require maintenance and enforcement.

Alderman Broun requested a definition of xeriscaping.

Bob Kirshner, a Carrboro resident, addressed the Board. He thanked Trish McGuire for her work in putting this together. He said that fire inserts are something to be dealt with by insurance. It is a personal responsibility and should be inspected through a chimney sweep. He said he was concerned that the town is stepping in to govern people's behavior in their own homes. He stated that a landlord could not do a background check on their tenants and he would like it to be required that the applicant provide it. Especially in the case of sex offenders, it would be seen as a consideration to the community. Vacant buildings are left unlocked around town and he has a concern about security - a vagrant can walk in - a drug user - children can be lost - all sorts of hazards. He stated concerns about water heaters on the second floor and said that they should be required to have a water pan with a drain. He had concerns about the cost to homeowners in shared communities, such as Brighton Square. He said that it is unbearable and that it puts a higher burden on those with less money. He stated that he was concerned about new definitions in the housing code. He also had concerns about automatic sprinkler systems.

Alderman Chilton asked if staff could clarify multifamily residential buildings containing three or more dwelling units and dwellings in excess of 50 feet in height. Does it mean "or" or "and"? Is it only 50 feet in height or does it mean either or?

Mike Brough said that it means both. He said that all the language with respect to sprinkler systems is already part of the town code

Chief Murray said that if there was a fire in only one unit, nobody would have to put in sprinklers, but if there were more than 50% of the units damaged, (or more) sprinkler systems would be required.

Bob Kirshner said that the cost is prohibitive.

Alderman McDuffee asked staff to draft language re: fireplace inspections.

Mayor Nelson asked staff to draft responses to Bob Kirshner's issues. He stated that the sprinkler issue was added to the ordinance eight or nine years ago after the tragic fire at a UNC fraternity house. The Board had lengthy discussions about what they were doing right and wrong with fire protection and multi-family housing.

They had hearings on the issue. Cost aside, there are strong feelings about protecting renters and folks would have to do some thoughtful and thought provoking convincing to get us to change our minds.

Alderman McDuffee agreed and said that she does not want to revisit that issue.

Alderman Chilton asked for clarification from staff and to verify the circumstances under which a dwelling unit would have to have sprinkler systems installed.

Alderman Gist asked why sprinkler systems are so expensive.

Mayor Nelson asked staff to find out how to make them more available. Staff was asked to research this and research how to bring the cost down. We need to talk to OWASA because they had a charge that kept the price high.

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MOTION WAS MADE BY JAQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 8:39 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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Mayor

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Deputy Town Clerk