

A regular meeting of the Carrboro Board of Aldermen was held on January 7, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Judith Wegner
	John Boone
	Hilliard Caldwell
	Doug Anderson
	Tom Gurganus
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 JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE MINUTES OF DECEMBER 17, 1985 BE ADOPTED. VOTE: AFFIRMATIVE ALL

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CHARGE ISSUED TO ADVISORY BOARD MEMBER

The Town Clerk issued a "charge" to Will Ward, a recent appointee to the Cable T.V. Committee.

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REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/REZONING PETITION/WELLS MANAGEMENT GROUP

Wells Management Group has filed a request to rezone property (0.8 acres) along Jones Ferry Road from R-3 to B-4.

The administration requested that the Board of Aldermen set a public hearing for February 11, 1986 and indicate which advisory boards should review this application. (The Transportation Advisory Board has requested an opportunity to review.)

The administration's Development Review Committee has decided to recommend against the rezoning and has requested that the Board of Aldermen enlarge the matter for public hearing to include whether to rezone the existing B-4 property belonging to Wells Management (being 0.5 acres along Jones Ferry Road and lying adjacent to the tract proposed by the applicant) to R-3. Thus, the public hearing would consider the applicant's and the administration's requests.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE PUBLIC HEARING BE SET FOR FEBRUARY 11, 1986 AND THAT THE ADDITIONAL PROPERTY OWNED BY WELLS MANAGEMENT GROUP (0.5

ACRES ALONG JONES FERRY ROAD) BE INCLUDED IN REZONING REQUEST. IN ADDITION, THAT THE PLANNING BOARD AND TRANSPORTATION ADVISORY BOARD REVIEW THIS REQUEST. VOTE: AFFIRMATIVE ALL

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CONTRACT AWARD/LLOYD-BROAD STREET ENGINEERING SERVICES

James Harris, the town's Community Development Coordinator, stated that the town had solicited bids from engineering firms for the Lloyd/Broad Street Community Development Block Grant Improvement project and that eight proposals were received. Mr. Harris stated that the administration recommended that the bid for engineering services for this project be awarded to the lowest responsible bidder, The John R. McAdams Company, for a total bid of \$28,160 and that the Town Manager be authorized to enter into a contract with this firm.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE BID BE AWARDED TO THE JOHN R. MCADAMS COMPANY FOR A TOTAL COST OF \$28,160 AND THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO A CONTRACT WITH THIS FIRM. VOTE: AFFIRMATIVE ALL

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BUDGET AMENDMENT/TOPOGRAPHIC MAPPING

Don Casper, Finance Director, stated that the Board of Aldermen at the meeting of December 10, 1985 authorized the Town Manager to enter into an agreement with Orange County to secure topographic mapping. Carrboro's pro rata share of the cost will be \$3,733 in 1985-86 and \$2,357 in 1986-87. Mr. Casper presented a budget amendment which would transfer a \$3,733 surplus in the line item budgeted for general insurance into the Contingency line item. Mr. Casper stated that the budget amendment would also authorize the transfer of \$3,733 from Contingency to the Planning Department's Contractual Services line item from which actual payment would be made. The \$2,357 required in 1986-87 would become a priority item in the budget for that fiscal year.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'85-86 BUDGET ORDINANCE", BE ADOPTED. VOTE: AFFIRMATIVE ALL

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1985 TAX ACT/USE OF MUNICIPALLY-OWNED VEHICLES

Don Casper, Finance Director, stated that the 1985 Tax Act, as interpreted by the Internal Revenue Service, would include as a taxable benefit the value of the use of a town-owned vehicle for personal use. While the Town of Carrboro does not permit the use of town-owned vehicles for personal use,

both the Local Government Commission and the League of Municipalities recommend adoption of a resolution containing specific language. Mr. Casper presented a resolution which, if adopted by the Board, would meet the requirements of the new law.

The following resolution was introduced by Alderman Doug Anderson and duly seconded by Alderman Tom Gurganus.

RESOLUTION REGARDING EMPLOYEE USE OF VEHICLES OWNED  
BY THE TOWN OF CARRBORO, NORTH CAROLINA  
Resolution No. 25/85-86

WHEREAS, the 1985 Tax Act enacted by the United States Congress repeals various sections of the Tax Reform Act of 1984, concerning personal use of employer-provided vehicles; and

WHEREAS, the federal legislation defines an employee's personal use of an employer-furnished vehicle as a taxable fringe benefit and includes commuting to and from work within the term "personal use"; and

WHEREAS, the Town of Carrboro, North Carolina, provides certain municipal vehicles to its employees for use in municipal business, including commuting to and from work for employees who are "on call"; and

WHEREAS, pursuant to state law (N.C. G.S. 14-247), the town prohibits its employees from using municipal vehicles for any personal purposes whatsoever.

NOW, THEREFORE, BE IT RESOLVED that the Town of Carrboro, North Carolina, hereby adopts the following policy on employee use of municipal vehicles:

VEHICLES NOT USED FOR PERSONAL PURPOSES

Section 1. Vehicles owned by the town may be provided to one or more employees in connection with municipal business and shall be used only on municipal business.

Section 2. When the vehicle is not used in the town's business, it is kept on the municipality's business premises, unless it is temporarily located elsewhere.

Section 3. The municipality's business premises and the residence of any employee using the vehicle are at different locations.

Section 4. Pursuant to state law, neither an employee, nor any individual whose use would be taxable to the employee, may use municipal vehicles for personal purposes.

Section 5. The Board of Aldermen reasonably believes, based upon expressed town policy and on provisions of state law, that none of its employees, nor any individual whose use

would be taxable to the employee, use these vehicles for any personal purpose.

Vehicles Not Used for Personal Purposes Other Than Commuting

Section 6. Vehicles owned by the town may be provided to one or more employees in connection with municipal business and shall be used only on municipal business.

Section 7. For bona fide noncompensatory business reasons, the town requires certain employees to commute to and from work in municipal vehicles.

Section 8. Pursuant to state law, neither an employee, nor any individual whose use would be taxable to the employee, may use municipal vehicles for personal purposes other than for commuting.

Section 9. The Board of Aldermen reasonably believes, based upon expressed town policy and on provisions of state law, that none of its employees, nor any individual whose use would be taxable to the employee, use these vehicles for any personal purposes other than commuting.

Section 10. The employees required to use municipal vehicles for commuting are not "control" employees, as defined by the Internal Revenue Service.

Section 11. The town will account for the commuting use of its employees by including an appropriate amount as specified in IRS regulations in the employee's gross income.

Section 12. 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 7th day of January, 1986:

Ayes: Zona Norwood, Judith Wegner, John Boone, Jim Porto, Hilliard Caldwell, Doug Anderson, Tom Gurganus

Noes: None

Absent or Excused: None

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TOWN CODE AMENDMENT ESTABLISHING A TOWN HOLIDAY IN HONOR OF DR. MARTIN LUTHER KING, JR.

Alderman Caldwell requested that the staff prepare an amendment to the Chapter 4 of the Town Code which would establish Dr. Martin Luther King, Jr.'s Birthday as an official town holiday.

Don Casper, Finance Director, stated that it would cost the town approximately \$4,300 to add an additional holiday.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER FOUR OF THE TOWN CODE TO ESTABLISH A TOWN HOLIDAY IN HONOR OF DR. MARTIN LUTHER KING, JR.," BE ADOPTED.

A SUBSTITUTE MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JOHN BOONE THAT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING CHAPTER FOUR OF THE TOWN CODE TO ESTABLISH A TOWN HOLIDAY IN HONOR OF DR. MARTIN LUTHER KING, JR." BE ADOPTED, TO BECOME EFFECTIVE ON JANUARY 19, 1987, AND THAT THE ADMINISTRATION BE INSTRUCTED TO PREPARE A RECOMMENDATION ON WHICH EXISTING TOWN HOLIDAY WILL BE TRADED-OFF IN ORDER TO ACCOMMODATE THIS NEW HOLIDAY.

The vote on whether to accept the substitute motion was: Affirmative five, negative two (Caldwell, Anderson)

The vote on the substitute motion made by Alderman Gurganus and seconded by Alderman Boone was: Affirmative all

Alderman Caldwell expressed his concern that Dr. Martin Luther King Jr.'s Birthday will not be an official town holiday in 1986.

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#### SCHEDULE FOR JANUARY 14TH MEETING OF BOARD OF ALDERMEN

Mr. Morgan requested that the Board of Aldermen hold its meeting scheduled for January 14, 1986 at the Chapel Hill High School Auditorium in order for the Board to attend a joint public hearing being conducted by the Orange County Board of Commissioners and the Chapel Hill Town Council on the Draft Land Use Plan for the Joint Planning Area.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY JOHN BOONE THAT THE JANUARY 14, 1986 MEETING OF THE BOARD OF ALDERMEN BE HELD AT THE CHAPEL HILL HIGH SCHOOL AUDITORIUM AT 7:30 P.M.  
VOTE: AFFIRMATIVE ALL

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#### GUIDELINES FOR ADVISORY BOARDS

Alderman Anderson requested a status report on the preparation of guidelines for the town's advisory boards.

Mr. Morgan stated that the staff would begin immediately to prepare guidelines for the advisory boards.

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There being no further business, the meeting was adjourned.

Joseph C. Williamson  
Town Clerk

J. P. [unclear]  
Mayor