

A regular meeting of the Carrboro Board of Aldermen was held on May 10, 1988 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Judith Wegner
	Jay Bryan
Town Manager	Robert W. Morgan
Deputy Town Clerk	Ellen Hughes
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JUDITH WEGNER THAT THE MINUTES OF MAY 3, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

RESOLUTION COMMENDING NORMAN McCLENNY

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Judith Wegner.

A RESOLUTION COMMENDING NORMAN McCLENNY, JR.
FOR HIS SERVICE TO THE TOWN OF CARRBORO
Resolution No. 48/87-88

WHEREAS, Norman McClenny began employment with the Town of Carrboro on September 17, 1979, as a police officer; and

WHEREAS, Officer McClenny was promoted to a police supervisor on November 6, 1980; and

WHEREAS, Officer McClenny has now retired from the Town, effective April 30, 1988.

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

Section 1. The Board expresses its sincere gratitude and appreciation to Norman McClenny for his service to the Town of Carrboro.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy shall be delivered to Norman McClenny.

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 10th day of May, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Judith Wegner, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: None

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT
TO RAISE THE CIVIL PENALTY FOR LAND USE ORDINANCE VIOLATIONS

Ann Weeks, the town's senior planner, stated that the administration was requesting that a public hearing be set for May 24, 1988, to consider a proposed amendment to the Land Use Ordinance to change the penalty for violations of the land use ordinance from \$25.00 per day to an initial penalty of \$250.00 with a \$25.00 per day penalty collectible after a 10-day grace period.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT A PUBLIC HEARING BE SET FOR MAY 24, 1988. VOTE: AFFIRMATIVE ALL

REQUESTS TO SET PUBLIC HEARINGS

- (1) Land Use Ordinance Text Amendment to Permit the Expansion of Emergency Services Buildings Which are Non-Conforming with Respect to Setbacks

At the May 3, 1988 meeting of the Board of Aldermen, the South Orange Rescue Squad requested that the Land Use Ordinance be amended to permit the expansion of buildings that are non-conforming with respect to setbacks. The staff has prepared a proposed amendment which would allow such expansions only for buildings in use for emergency services.

The administration requested that a public hearing be set for May 24, 1988 to consider the proposed amendment.

- (2) Conditional Use Permit Request/Circle K

Howard M. Crutchfield has applied for a conditional use permit that would permit the development of a convenience food store with gasoline sales on the west side of Smith Level Road at Rock Haven Road. The parcel is identified as Tax Map 122, Block A, Lot 5 and is zoned B-3. The administration recommended that a public hearing be set for June 14, 1988.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE REQUESTED PUBLIC HEARINGS BE SET. VOTE: AFFIRMATIVE ALL

RESOLUTION CHANGING BANK SIGNATURE CARD AUTHORIZATION

The administration requested adoption of a resolution changing the bank signature card authorization to allow the new Assistant Town Manager/Finance Director to sign bank transactions.

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman Tom Gurganus.

A RESOLUTION OPENING AND MAINTAINING A DEPOSIT ACCOUNT
AND/OR CERTIFICATES OF DEPOSIT
Resolution No. 49/87-88

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. North Carolina National Bank is hereby designated as a depository of the Town of Carrboro and a deposit account and/or certificates of deposit are opened and maintained in the name of the Town of Carrboro in accordance with the applicable rules and/or certificates of deposit be opened and maintained in the name of the Town of Carrboro with said Bank in accordance with the applicable rules and regulations for such an account; that any one of the following officers or employees of the Town of Carrboro:

William Laurence Gibson, Jr., Assistant Town Manager/
Finance Director

Marie Blake, Accountant

is hereby authorized, on behalf of the Town of Carrboro, and in its name to sign checks, drafts, notes, bills of exchange, acceptances, certificates of deposit or other orders for the payment of money; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by the Town of Carrboro for deposit with said Bank or for collection or discount by said Bank; to accept drafts, acceptances, and other instruments payable at said Bank; to place orders with said Bank for the purchase and sale of foreign currencies on behalf of the Town of Carrboro; to execute and deliver an electronic funds transfer agreement and to appoint and delegate, from time to time, such persons who may request transfers on behalf of the Town of Carrboro; to establish and maintain a night deposit relationship; to waive presentment, demand, protest, and notice of protest, or dishonor of any check, note, bill, draft, or other instrument made, drawn, or endorsed by the Town of Carrboro;

Section 2. North Carolina National Bank is hereby authorized to honor, receive, certify, or pay all instruments signed in accordance with this resolution even though drawn or endorsed to the order of any officer or employee signing the same or tendered by him for cashing, or in payment of the individual obligation of such officer or employee, or for deposit to his personal account, and said Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application or disposition of such instrument or the proceeds thereof.

Section 3. North Carolina National Bank is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the Town of Carrboro's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature of the specified number of the foregoing officers or employees of the Town of Carrboro and North Carolina National Bank shall be entitled to honor and to charge the Town of Carrboro for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with North Carolina National Bank by the Town Clerk.

Section 4. The Town Clerk of the Town of Carrboro shall certify to said Bank the name of the persons who are at present authorized to act on behalf of the Town of Carrboro under the foregoing resolution and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Town Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified.

Section 5. This resolution shall remain in full force and effect until written notice of its amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto.

Section 6. All transactions by any of the officers or employees of the Town of Carrboro on its behalf, and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of this resolution is in all respects hereby ratified, confirmed, approved and adopted.

Section 7. The Town Clerk is hereby authorized and directed to certify this resolution to North Carolina National Bank and that the provisions thereof are in conformity with the Charter of the Town of Carrboro.

Section 8. 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 10th day of May, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Judith Wegner, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: None

SPECIAL BOARD WORKSESSION SET

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT A SPECIAL WORKSESSION OF THE BOARD BE SET FOR SATURDAY, MAY 14, 1988, AT 9:30 A.M. IN ORDER TO ALLOW BOARD MEMBERS TO ATTEND THE ORANGE COUNTY ASSEMBLY OF LOCAL GOVERNMENTS MEETING AT THE INSTITUTE OF GOVERNMENT. VOTE: AFFIRMATIVE ALL

REQUEST FOR SPECIAL LEGISLATION/LAND USE ORDINANCE VIOLATIONS

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE TOWN ATTORNEY BE DIRECTED TO PREPARE SPECIAL LEGISLATION TO AUTHORIZE THE TOWN TO ISSUE STOP WORK ORDERS FOR LAND USE ORDINANCE VIOLATIONS. VOTE: AFFIRMATIVE ALL

RESOLUTION REQUESTING OWASA TO FILE AN APPLICATION TO ESTABLISH ELIGIBILITY FOR AN ALLOCATION OF JORDAN LAKE WATER

The following resolution was introduced by Alderman Judith Wegner and seconded by Tom Gurganus.

A RESOLUTION REQUESTING OWASA TO FILE AN APPLICATION TO ESTABLISH ELIGIBILITY FOR AN ALLOCATION OF JORDAN LAKE WATER
Resolution No. 50/87-88

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. That OWASA be requested to file the necessary application to establish eligibility for an allocation of Jordan Lake Water, so should it be determined at a later date, after due consultation with elected officials, that there is a need for said Jordan Lake water and that said Jordan Lake water is of a sufficient level of quality to satisfy concerns for the public health and safety.

Section 2. This resolution shall not be interpreted as a decision to put said water into the public water supply until further deliberations have been undertaken.

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 10th day of May, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan

Noes: None

Absent or Excused: None

RESOLUTION SUPPORTING OWASA'S AGREEMENT TO PROVIDE WATER TO CHATHAM COUNTY, SUBJECT TO CONDITIONS

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Randy Marshall.

A RESOLUTION SUPPORTING OWASA'S AGREEMENT
TO PROVIDE WATER TO CHATHAM COUNTY, SUBJECT TO CONDITIONS
Resolution No. 51/87-88

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen wishes to express its support of OWASA's proposed agreement to provide water to Chatham County, subject to the following:

- a. The agreement shall be contingent upon Chatham County agreeing to some effort at joint land use planning which would reach some sort of concrete fruition within the next year and that the agreement not be renewed other than on a year-to-year basis except and so far as there is progress on joint land use planning;
- b. That it be clearly stated and affirmed to Chatham County that the agreement is for a maximum of five years and that the agreement does not represent any continuing commitment beyond five years; and
- c. That the agreement does not entail any commitment by OWASA to any actual undertaking to put Jordan Lake water into use.

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 10th day of May, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Judith Wegner

Noes: Frances Shetley, Jay Bryan

Absent or Excused: None

RESOLUTION REQUESTING OWASA TO UNDERTAKE A PROCESS OF CONSULTATION WITH ELECTED BOARDS BEFORE ENTERING INTO INTERGOVERNMENTAL AGREEMENTS

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Randy Marshall.

A RESOLUTION REQUESTING OWASA TO UNDERTAKE A PROCESS
OF CONSULTATION WITH ELECTED BOARDS BEFORE ENTERING
INTO INTERGOVERNMENTAL AGREEMENTS
Resolution No. 52/87-88

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. That the Board of Aldermen requests OWASA to undertake a process of consultation with each of the elected governing boards within the jurisdiction that they serve to develop procedures for consultation that would be used before entering into any intergovernmental agreements and other relevant matters.

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 10th day of May, 1988:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan

Noes: None

Absent or Excused: None

There being no further business, the meeting was adjourned.



Mayor



Deputy Town Clerk