A regular meeting of the Carrboro Board of Aldermen was held on December 13, 1988 at 7:30 p.m. in Room 110 of Town Hall.

Present and presiding:

Mayor Aldermen Eleanor Kinnaird Randy Marshall Tom Gurganus Frances Shetley Judith Wegner Jay Bryan

Town Manager
Town Clerk
Town Attorney

Robert W. Morgan Sarah C. Williamson Michael B. Brough

Absent:

Alderman

Hilliard Caldwell

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY TOM GURGANUS AND SECONDED RANDY MARSHALL THAT THE MINUTES OF DECEMBER 6, 1988 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGES ISSUED TO NEW BOARD APPOINTEES

The Town Clerk issued "charges" to Shirley Jackson and Thomas Rudin, recent appointees to the Human Services Commission.

REQUEST FOR RELEASE OF PERFORMANCE SECURITY/PLANTATION PLAZA

Helen Waldrop, the town's Zoning Administrator, stated that JBG Associates, managers of Plantation Plaza Shopping Center, had requested the release of performance security in the amount of \$70,000 required by the Board of Aldermen for incomplete improvements on the site. Ms. Waldrop stated that the administration recommended that security in the amount of \$5,000 be maintained due to current poor health of trees and deteriorated condition of railroad ties. The security should have an expiration date of April 30, 1989.

Kenneth Wallace, representing JBG Associates, requested that the entire bond be released.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT SECURITY IN THE AMOUNT OF \$5,000 BE MAINTAINED BY THE TOWN DUE TO THE CONDITION OF RAILROAD TIES AND LANDSCAPING IN THE SHOPPING CENTER. VOTE: AFFIRMATIVE ALL

RESOLUTION DESIGNATING INSTALLMENT PURCHASE CONTRACT AS A TAX EXEMPT OBLIGATION OF THE TOWN

Mr. Morgan stated that the town will be entering into an installment purchase contract with Southern National Leasing Corporation for the purchase of a front loading dumpster truck. This purchase was approved by the Board on July 19, 1988. Mr. Morgan stated that the administration recommended adoption of a resolution designating the contract as a tax-exempt obligation of the town.

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Randy Marshall.

A RESOLUTION DESIGNATING AN INSTALLMENT PURCHASE CONTRACT
AS A TAX-EXEMPT OBLIGATION OF THE TOWN
Resolution No. 23/88-89

WHEREAS, the Town of Carrboro, through its duly elected Mayor, with the consent and approval of the Board of Aldermen, has entered into a contract with Southern National Leasing Corporation for the purchase of a refuse truck; and

WHEREAS, the said contract bearing the date December 14, 1988, qualifies as a tax-exempt obligation of the town, pursuant to the Internal Revenue Code of 1986.

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

Section 1. The aforesaid contract, bearing the date December 14, 1988, by and between the Town of Carrboro and Southern National Leasing Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as a qualified tax-exempt obligation of the town for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

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 13th day of December, 1988:

Ayes: Randy Marshall, Tom Gurganus, Eleanor Kinnaird, Judith

Wegner, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: Hilliard Caldwell

RESOLUTION REQUESTING THE ORANGE COUNTY BOARD OF COMMISSIONERS TO APPOINTMENT JOINT PLANNING TRANSITION AREA REPRESENTATIVES TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT

Ann Weeks, the town's senior planner, stated that pursuant to the Joint Planning Agreement, which became effective on November 14, 1988, the administration was recommending adoption of a resolution requesting the County Commissioners appoint Transition Area representatives to the Planning Board and Board of Adjustment.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT ACTION ON THIS MATTER BE DELAYED UNTIL THE JANUARY 10TH MEETING OF THE BOARD AND THAT THESE POSITIONS BE ADVERTISED. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (MARSHALL)

PRESENTATION OF DOWNTOWN CIRCULATION PLAN

Steve Oglesbee, representing the Transportation Advisory Board presented its Downtown Circulation Plan Report to the Board of Aldermen for consideration.

SALE OF WESTWOOD CEMETERY PROPERTY TO POSTAL SERVICE

James Harris, the town's special projects coordinator, stated that pursuant to the Board's action taken on December 6, 1988, the administration obtained an appraised value of \$480,000 for a two-acre tract of the Westwood Cemetery property for possible sale to the U.S. Postal Service for a post office facility. In addition, Mr. Harris presented a list of conditions of sale for the Board's review.

Wallace Womble, representing the Cemetery Commission, reiterated

the Cemetery Commission's recommendation presented to the Board on December 6th. In addition, Mr. Womble stated that he would like to use a portion of the proceeds from the sale of the Westwood Cemetery property to build a mausoleum and chapel at Westwood Cemetery in addition to improvements to the old cemetery.

Robert Green stated that he would prefer that the Westwood Cemetery property not be sold and suggested that the post office locate in the old A & P building on W. Main Street.

Mary Riggsbee, a resident of 101 Hudson Hills, requested that the Board not sell the Westwood Cemetery property.

Ava Ferrell requested that the Board not sell the Westwood Cemetery property.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE TOWN MANAGER BE AUTHORIZED TO SUBMIT THE LETTER RESPONDING THE U.S. POSTAL SERVICE'S ADVERTISEMENT. IN ADDITION, THAT THE TOWN ATTORNEY BE DIRECTED TO PREPARE THE NECESSARY SPECIAL LEGISLATION SEEKING STATUTORY AUTHORITY TO SELL THIS PROPERTY TO THE U.S. POSTAL SERVICE BY NEGOTIATED SALE WITHOUT OPPORTUNITY FOR UPSET BIDS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE PROCEEDS FROM THE SALE OF THE WESTWOOD CEMETERY PROPERTY BE RESERVED FOR USE BY THE CEMETERY COMMISSION. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MARSHALL, KINNAIRD, WEGNER)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT ANY DECISION REGARDING THE USE OF PROFITS FROM THE SALE OF THE WESTWOOD CEMETERY PROPERTY BE DELAYED UNTIL THE SALE IS ACCOMPLISHED, THAT THE CEMETERY COMMISSION BE REQUESTED TO SUBMIT A LIST OF NEEDED IMPROVEMENTS, AND THAT A PUBLIC HEARING BE HELD ON THE USE OF SUCH PROCEEDS BEFORE ANY FINAL DECISION IS MADE. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (GURGANUS, BRYAN, SHETLEY)

It was the consensus of the Board to request that a second vote on this matter be placed on the January 3rd Board agenda.

RESOLUTION EXECUTING THE DECLARATION OF TRUST OF THE ICMA RETIREMENT TRUST

Mr. Morgan stated that on July 14, 1981, the Board of Aldermen authorized by resolution the participation of the town in the deferred compensation plan with the International City Management Association Retirement Corporation. A review by the Security Exchange Commission has required the ICMA Retirement Corporation to establish a declaration of trust authorizing the commingling of participants funds, which must be accepted by the town before the end of 1988 in order for those who have made contributions to remain in the plan. Mr. Morgan stated that the administration recommended adoption of a resolution executing the declaration of trust of the ICMA Retirement Trust.

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

A RESOLUTION EXECUTING THE DECLARATION OF TRUST OF THE ICMA RETIREMENT TRUST Resolution No. 22/88-89

WHEREAS, the Town of Carrboro has employees rendering valuable services; and

WHEREAS, the establishment of a deferred compensation plan for such employees will serve the interests of the Town of Carrboro by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Town of Carrboro has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation will serve the above objectives; and

WHEREAS, the Town of Carrboro desires that the investment of funds held under its deferred compensation plan be administered by the ICMA Retirement Corporation and that such funds be held by the ICMA Retirement Rust, a trust established by public employers for the collective investment of funds held under their deferred compensation plans and money purchase retirement plans.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Town of Carrboro hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto as Appendix B.

Section 2. The Town Manager shall be the coordinator for this program and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation as Administrator, and shall cast, on behalf of the Town of Carrboro, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

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 13th day of December, 1988:

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

Noes: None

Absent or Excused: Hilliard Caldwell

UPDATE ON R-SIR PROJECT

Ann Weeks, the town's senior planner, presented a status report on the R-SIR project for the Board's information.

MODIFICATIONS TO DESIGN FOR STREET IMPROVEMENTS PROJECT

Alderman Gurganus stated that Aldermen Shetley, Bryan and himself along with representatives of the town staff had met with N.C. DOT representatives on December 12, 1988 to discuss possible revisions to the design of N.C. DOT Project U-2002 (Main Street, Hillsborough Road and North Greensboro Street). Alderman Gurganus stated that DOT agreed to modify the design of the project to reduce the impact on surrounding properties if the Town Board so chose. Because of the traffic volumes on Main and Greensboro Streets, the proposed width of road of 36 feet would remain the same. On Hillsborough Road between Greensboro and Main Streets, the width of the travel lanes could be reduced from 12 feet to 11 feet, reducing the overall width to 34 feet. No change could be made to the bike lane width of 4 feet or to the gutter, which is 2 feet. On all of the roads, the widths of the berms behind the curb could be reduced to 3 feet on the side without sidewalks and 6 feet with the sidewalk. Any utility poles must be at least 5 feet behind the curb. The sidewalks,

which should be 4 feet wide, could be located directly behind the curb.

Alderman Gurganus stated that DOT also agreed that the section of Hillsborough Road between Main and Greensboro Street could be delayed indefinitely and that funding for future improvements would have to compete with other projects in the district.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT N.C. DOT BE REQUESTED TO MODIFY THE DESIGN OF THE HILLSBOROUGH ROAD PROJECT BETWEEN MAIN AND GREENSBORO STREETS TO REDUCE THE WIDTHS OF THE TRAVEL LANES FROM 12 TO 11 FEET, REDUCING THE OVERALL WIDTH TO 34 FEET. IN ADDITION, THAT THE BERMS BEHIND THE CURB BE REDUCED TO 3 FEET ON THE SIDE WITHOUT THE SIDEWALKS AND 6 FEET ON THE SIDE WHERE THE SIDEWALK WILL BE LOCATED, AND THAT, AT ITS DISCRETION, THE TOWN BE ALLOWED TO PLACE THE SIDEWALK DIRECTLY BEHIND THE CURB. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (SHETLEY, BRYAN), ABSENT, ONE (CALDWELL)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT N.C. DOT BE REQUESTED TO MODIFY THE DESIGN OF THE MAIN STREET AND GREENSBORO STREET PROJECT TO REDUCE THE WIDTH OF THE BERMS BEHIND THE CURB TO 3 FEET ON THE SIDE WITHOUT THE SIDEWALKS AND 6 FEET ON THE SIDE WHERE THE SIDEWALKS ARE TO BE LOCATED, AND THAT AT THE TOWN'S OPTION, THE SIDEWALKS, WHICH SHOULD BE 4 FEET WIDE, CAN BE LOCATED DIRECTLY BEHIND THE CURB. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE BOARD ADJOURN TO WORKSESSION. VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Mayor

James C. W.