

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 14, 1989 at 7:30 p.m.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Judith Wegner
	Jay Bryan
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 HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE MINUTES OF FEBRUARY 7, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

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PRESENTATION OF CAPITAL IMPROVEMENTS TASK FORCE REPORT

Bill Aderholt, Chair of the Capital Improvements Task Force, explained the process followed by the Task Force in the formulation of its report and introduced Jim Porto to present its report. (See Town Clerk's file of this meeting for a copy of the report.)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE REPORT BE REFERRED TO THE TOWN STAFF TO FORMULATE A FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE TOWN, AND THAT THE BOARD OF ALDERMEN CONSIDER AND SELECT HIGH PRIORITY PROJECTS FOR INCLUSION IN THE ANNUAL BUDGET AT ITS FEBRUARY 21, 1989 MEETING. VOTE: AFFIRMATIVE ALL

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REPORT FROM CHAPEL HILL/CARRBORO DOWNTOWN COMMISSION

Debbie Dibbert, Co-Director of the Chapel Hill/Carrboro Downtown Commission, presented a report on the establishment of a municipal service district for the Towns of Carrboro and Chapel Hill to support improvements to the downtowns. Ms. Dibbert stated that the Commission is proposing \$.07 per \$100 valuation, which would raise approximately \$65,000 per year.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE REPORT BE ACCEPTED AND REFERRED TO THE CARRBORO DOWNTOWN DEVELOPMENT COMMISSION AND TOWN STAFF FOR FURTHER STUDY AND RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL

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PRESENTATION FROM INTERGOVERNMENTAL WORK GROUP ON ALTERNATIVE REVENUES

Alderman Wegner stated that the Intergovernmental Work Group on Alternative Revenues was recommending the implementation of an impact tax for Orange County. The proposed legislation defines the impact tax as an excise tax on the impact of land development. Alderman Wegner stated that this proposal would be discussed further at the Assembly of Governments meeting on February 18th.

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PRESENTATION ON ORANGE COUNTY'S COMPREHENSIVE UTILITY MANAGEMENT PLAN

Roy Williford, Planning Director, presented the Board with information which has been received regarding Orange County's Comprehensive Utility Management Plan. Mr. Williford stated that this information was being presented in preparation for the upcoming February 18th Assembly of Governments' meeting.

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RESPONSE TO AUDITOR'S MANAGEMENT LETTER

Larry Gibson, Assistant Town Manager, presented a report addressing recommendations contained in the auditor's management letter for last year. In order to respond to these recommendations, Mr. Gibson stated that the administration was requesting the Board's approval to write-off ten-year old special assessments receivable and adoption of an amendment to the regional planning transportation fund budget. In addition, Mr. Gibson requested the Board's approval to use moneys available in the Planning budget resulting from the transfer of salaries expense for the purchase of computer equipment.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE BOARD APPROVE THE WRITING OFF OF TEN-YEAR OLD SPECIAL ASSESSMENTS RECEIVABLE, ADOPT THE BUDGET AMENDMENT RECOGNIZING THE RECEIPT OF \$7,200, AND APPROVE THE REQUEST TO USE THE MONEYS AVAILABLE IN THE PLANNING BUDGET RESULTING FROM THE TRANSFER OF SALARIES EXPENSE FOR THE PURCHASE OF COMPUTER EQUIPMENT. VOTE: AFFIRMATIVE ALL

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STORMWATER MANAGEMENT CONTRACT AWARD

In the Fall of 1988, the town issued a request for proposals for consulting services to help formulate appropriate policies and standards for stormwater management in Carrboro. After reviewing proposals and interviewing prospective consultants, the town chose Dr. Thomas Debo to complete the study. The Town Attorney has drafted a contract between Dr. Debo and the town, which Dr. Debo has agreed to. The administration recommended that the Board authorize the Town Manager to enter into the contract with Dr. Debo.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JUDITH WEGNER THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO THE CONTRACT WITH DR. DEBO. VOTE: AFFIRMATIVE ALL

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APPOINTMENTS TO BOARDS AND COMMISSIONS

The following terms on the town's advisory boards expire at the end of February, 1989:

Board of Adjustment

Steve Oglesbee  
Leon Fink

Planning Board

Steve Chandler  
Charles Riggsbee  
Jim Manor

Appearance Commission

Kathy Buck  
 Nellie Lappi  
 Liz Sherouse

Transportation Advisory Board

Ken Gibson  
 Heidi Perry

Recreation & Parks Commission

Joe Robertson  
 John Boone  
 George Paylor

Cable T.V. Committee

Donna Mitchell

Human Services Commission

Carol Grose  
 Maribel Carrion

Cemetery Commission

Roland Wrenn  
 Ben Grantham

These positions were advertised and letters were sent to the individuals currently serving. Favorable responses were received from all those currently serving with the exception of Steve Chandler on the Planning Board, and Kathy Buck and Nellie Lappi on the Appearance Commission. Roland Wrenn is requesting re-appointment to the Cemetery Commission although she has moved out of town, thus making her ineligible for re-appointment unless the Town Code is amended to allow for an out-of-town position.

The chairs were notified and all wish to have the re-appointments made. No new applications were received as a result of the advertisement.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE REQUESTED RE-APPOINTMENTS BE MADE WITH THE EXCEPTION OF ROLAND WRENN TO THE CEMETERY COMMISSION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JAY BRYAN THAT THE TOWN ATTORNEY BE REQUESTED TO PREPARE AN AMENDMENT TO THE TOWN CODE AUTHORIZING AN OUT-OF-TOWN RESIDENT TO SERVE IN ONE OF THE EXISTING POSITIONS ON THE CEMETERY COMMISSION. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (MARSHALL)

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RESOLUTION ENDORSING AND REQUESTING THE ADOPTION OF SPECIAL LEGISLATION AUTHORIZING THE ZONING ADMINISTRATOR TO ISSUE STOP WORK ORDERS

On May 24, 1988, the Board unanimously endorsed and requested that the Town Attorney send to the town's legislative delegation a local bill enabling the town to amend its land use ordinance to authorize the zoning administrator to issue stop work orders. As a result of several objections, the bill was not introduced into the General Assembly's 1988 short session where only "non-controversial" measures could be adopted.

The town staff requested the Board adopt the a resolution authorizing the Town Attorney to request the introduction of the bill into the 1989 Legislative Session.

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

A RESOLUTION ENDORSING AND REQUESTING THE ADOPTION OF  
A LOCAL BILL AUTHORIZING THE TOWN OF CARRBORO  
ZONING ADMINISTRATOR TO ISSUE STOP WORK ORDERS  
Resolution No. 31/88-89

WHEREAS, under current enabling legislation, the Town of Carrboro has no authority to issue an enforceable order requiring that a party immediately cease activity that both violates the land use ordinance and is causing irreparable injury; and

WHEREAS, the Town has experienced instances whereby a party has undertaken land clearing activities in violation of the land use ordinance or the terms of a permit issued pursuant to the ordinance; and

WHEREAS, it is apparent that under available remedies such as criminal prosecution, civil penalties, or injunctive relief, adequate repair of the damage that has been done cannot be obtained.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

Section 1. The Town of Carrboro Board of Aldermen endorses the attached "Bill to be Entitled An Act Authorizing the Town of Carrboro Zoning Administrator to Issue Stop Work Orders".

Section 2. The Town Attorney is hereby requested to contact the Town's legislative delegation to request that the attached bill be introduced into the General Assembly's 1989 Session.

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 14th day of February, 1989:

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

Noes: None

Absent or Excused: None

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REQUEST FROM ORANGE/CHATHAM COOPERATIVE PLANNING WORK GROUP TO ADOPT RESOLUTIONS

Alderman Wegner presented two resolutions which were being proposed by the Orange/Chatham Cooperative Planning Work Group. The first resolution establishes an Orange-Chatham-Chapel Hill-Carrboro courtesy review system, and the second resolution directs development of alternative wastewater treatment facility policies.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Judith Wegner.

A RESOLUTION ESTABLISHING AN  
ORANGE-CHATHAM-CHAPEL HILL-CARRBORO COURTESY REVIEW SYSTEM  
Resolution No. 29/88-89

WHEREAS, the Counties of Orange and Chatham and the Towns of Carrboro and Chapel Hill find it in their mutual interests to establish a development review system that would:

- a. Allow these four local governments to keep each other informed about development applications that might have impacts in neighboring jurisdictions; and
- b. Afford these governments the opportunity to offer comments and reactions to each other regarding such applications; and

WHEREAS, representatives of these four governments have met to discuss the design of such a system, and have recommended establishment of a "Courtesy Review System" as described on the attached sheet.

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

Section 1. That the town staff is directed to implement an Orange/Chatham/Chapel Hill/Carrboro Courtesy Review System as described on the attached sheet.

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 14th day of February, 1989:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Judith Wegner.

A RESOLUTION DIRECTING DEVELOPMENT OF ALTERNATIVE  
WASTEWATER TREATMENT FACILITY POLICIES  
Resolution No. 30/88-89

WHEREAS, the use of alternative wastewater treatment facilities is increasing in Orange and Chatham Counties; and

WHEREAS, the Counties of Orange and Chatham and the Towns of Carrboro and Chapel Hill find it in their mutual interests to develop common and coordinated policies regarding permitting, developing, monitoring, and maintaining such facilities; and

WHEREAS, representatives of these four governments have met to discuss these issues and have recommended cooperative work along the lines outlined on the attached sheet.

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

Section 1. The Board directs the town staff to work with neighboring jurisdictions and appropriate state agencies to

develop policies and procedures as outlined on the attached sheet.

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 14th day of February, 1989:

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

Noes: None

Absent or Excused: None

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JOINT PLANNING PUBLIC HEARING SCHEDULE

Mr. Morgan informed the Board that Orange County had informed the town that the April 13th Joint Planning public hearing date conflicted with schedules and requested the Town of Carrboro select an alternative date for that hearing.

It was the consensus of the Board to request the hearing be scheduled for April 20th as a first choice and April 6th as a second choice.

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RESOLUTION COMMENDING BOB ELLISON

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

A RESOLUTION COMMENDING BOB ELLISON  
Resolution No. 32/88-89

WHEREAS, Bob Ellison has spent many hours becoming familiar with the ins and outs of policy-making in the Town of Carrboro; and

WHEREAS, Bob Ellison took great pains to understand and report the news fairly and understandably in order to assist citizens in forming opinions about important issues and in voicing those opinions to their elected representatives; and

WHEREAS, Bob Ellison has now begun a new job in which he will use his many talents to benefit citizens in the great city of Durham and environs; and

WHEREAS, the Carrboro Board of Aldermen will miss Mr. Ellison's insights, perspective and good humor.

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

Section 1. The Carrboro Board of Aldermen commends and thanks Bob Ellison for his careful reporting of issues of concern to Carrboro citizens and wishes him success and happiness in his future endeavors.

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

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 14th day of February, 1989:

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

Noes: None

Absent or Excused: None

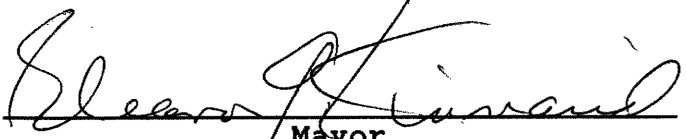
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EXECUTIVE SESSION

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS LITIGATION. VOTE: AFFIRMATIVE ALL

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There being no further business, the meeting was adjourned.

  
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Mayor

  
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Town Clerk