

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 17 1989 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 Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF OCTOBER 10, 1989 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FOR CLARIFICATION ON PLACEMENT OF CAMPAIGN SIGNS

Jim Porto, a candidate for Mayor in the upcoming election, requested that the Board send out a notice to all candidates in the upcoming election informing them of the regulations on placement of campaign signs.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THE TOWN MANAGER BE REQUESTED TO FORWARD TO ALL CANDIDATES IN THE UPCOMING ELECTION RELEVANT STATE AND LOCAL ORDINANCES REGULATING CAMPAIGN SIGNS. VOTE: AFFIRMATIVE ALL

REQUEST TO FLY UNITED NATIONS FLAG

Dick Euland, Professor of International Studies and a member of the United Nations Organization, requested that the town fly the United Nations flag. Mr. Euland stated that he was trying to obtain a flag for the town to fly.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT IF A UNITED NATIONS FLAG IS MADE AVAILABLE, THAT IT BE FLOWN AT TOWN HALL.

PUBLIC HEARING /TEMPORARY STREET CLOSING REQUEST

The Carrboro Recreation and Parks Department has requested the temporary closing of 100 block of East Weaver Street and the westbound lane of the 100 block of West Weaver Street from North Greensboro Street to Oak Avenue on Sunday, November 5, 1989 from 12:45 p.m. to 4:00 p.m. to accommodate the Carrboro 10K and Run Fun.

The administration recommended approval of this temporary street closing.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Jay Bryan and seconded by Alderman Tom Gurganus.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING
OF PART OF WEAVER STREET
TO ACCOMMODATE THE CARRBORO 10K AND FUN RUN
Resolution No. 19/89-90

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The following streets shall be temporarily closed on Sunday, November 5, 1989 from 12:45 p.m. to 4:00 p.m. to accommodate the Carrboro 10K and Fun Run. 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:

- a. The 100 block of East Weaver Street; and
- b. The west bound lane of the 100 block of West Weaver Street from North Greensboro Street to Oak Avenue.

Section 2. The Town Administration shall install 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 Recreation and Parks Department shall be responsible for notifying Central Communications when the street(s) are closed and when re-opened 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 17th day of October, 1989:

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

Noes: None

Absent or Excused: None

CHAPEL HILL/CARRBORO DOWNTOWN COMMISSION CORPORATION'S DOWNTOWN PLAN AND VALUE STATEMENTS

James Harris, the town's Special Projects Coordinator, stated that the Chapel Hill/Carrboro Downtown Commission Corporation had requested the Board of Aldermen's endorsement of their Value Statements and planning process to date, and an endorsement of continued downtown planning efforts by the Commission Corporation.

Mr. Harris stated that the Downtown Commission Corporation's value statements are as follows:

- 1) We should foster a stimulating, human-scaled, environment and enable our downtowns to mature with vitality.
- 2) The symbiotic relationship between our towns and UNC-CH needs to be maintained and nourished to support a public, social, cultural and economic life in our town centers.

3) We should recognize opportunities for solid, careful growth and watchful for sites, plantings or buildings worthy of conservation.

Mr. Harris stated that there are no statements in the Downtown Commission Corporation's document that conflict with the 2000 Task Force Policies or the objectives of the Carrboro Downtown Development Commission.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE REPORT FROM THE CHAPEL HILL/CARRBORO DOWNTOWN COMMISSION CORP. BE ACCEPTED AND DISCUSSED FURTHER AT THE 1990 PLANNING RETREAT. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (MARSHALL)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JUDITH WEGNER THAT THE VALUE STATEMENTS RECOMMENDED BY THE CHAPEL HILL/CARRBORO DOWNTOWN COMMISSION CORP. BE ENDORSED, EXCEPT TO THE EXTENT THAT THEY CONFLICT WITH THE 2000 TASK FORCE POLICIES, THE LAND USE ORDINANCE AND THE DOWNTOWN DESIGN GUIDELINES. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (GURGANUS, SHETLEY, BRYAN, CALDWELL)

NEIGHBORHOOD COMMERCIAL (B-3) ZONING DISTRICT - POSSIBLE OPTIONS TO INCREASE COMPATIBILITY OF PERMITTED USES WITH SURROUNDING NEIGHBORHOODS

Roy Williford, Planning Director, made a presentation on the options available for changes to the B-3 zoning district and requested the Board to direct the town staff to pursue Land Use Ordinance amendments on one or more of the options.

Olivia Ludington, speaking for the Smith Level Road Alliance, spoke in favor of rezoning the property that the Circle K was to be located on to residential because of the currently existing traffic problems on Smith Level Road.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT CHANGES IN PERMITTED USES AND CHANGES IN CONTROL OF USES PERMITTED IN THE B-3 ZONING DISTRICT BE REFERRED TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

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

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE TOWN STAFF PREPARE AN AGENDA ITEM TO SET A PUBLIC HEARING TO CONSIDER REZONING THE 2.232 ACRES CURRENTLY ZONED B-3 LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SMITH LEVEL ROAD AND ROCK HAVEN ROAD TO R-10. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (WEGNER, CALDWELL, GURGANUS)

PROCESS FOR SELECTING A NEW LANDFILL

Chris Peterson, Public Works Director, stated that the Orange County Regional Landfill on Eubanks Road will be full in early 1997. The Landfill Owners' Group has proposed a process to involve the public in the search for a new landfill site. Mr. Peterson stated that the administration recommended adoption of a resolution authorizing the Landfill Owners' Group to proceed with a process for selecting sites for a new landfill.

Alderman Caldwell requested that The Carolina Times be added to list of advertisers.

Alderman Wegner suggested that the Dispute Settlement Center be used as a process facilitator.

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION AUTHORIZING THE LANDFILL OWNERS' GROUP
TO PROCEED WITH A PROCESS FOR SELECTING SITES
FOR A NEW LANDFILL FOR ORANGE COUNTY
Resolution No. 21/89-90

WHEREAS, the Town of Carrboro acknowledges the necessity of planning for future means of disposing of solid waste; and

WHEREAS, the current Orange Regional Landfill will reach its capacity by early 1997; and

WHEREAS, the County desires to work together with the Town of Chapel Hill and the Town of Carrboro, as part of the Landfill Owners' Group in planning for the county's solid waste disposal needs; and

WHEREAS, the Landfill Owners' Group is actively pursuing county-wide and regional solutions to the County's long-term solid waste needs, including volume reduction through re-use, recycling, composting or incineration; and

WHEREAS, even though solid waste volume will be reduced by re-use, recycling, composting or incineration, some residue will need to be landfilled, thereby necessitating a new landfill; and

WHEREAS, the Landfill Owners' Group has recommended a process by which the three governing bodies may proceed to select potential sites for the next landfill; and

WHEREAS, it is the intent of the three governments to create a process for selecting prospective sites, which will include the public, and the proposed process provides for this access.

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

Section 1. The Board hereby endorses the process for selecting prospective sites for a new landfill recommended by the Landfill Owners' Group, attached hereto.

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 17th day of October, 1989:

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

Noes: None

Absent or Excused: None

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

The administration recommended adoption of a resolution designating an installment purchase contract with Southern National Leasing Corporation as a tax-exempt obligation of the town. The lease purchase contract covers the installment purchase of a cab and chassis mounted vacuum sweeper and a rear loading high compaction refuse truck, as previously authorized by the Board of Aldermen.

The following resolution was introduced by Alderman Hilliard

Caldwell and duly seconded by Alderman Judith Wegner.

A RESOLUTION DESIGNATING AN INSTALLMENT PURCHASE CONTRACT
AS A TAX-EXEMPT OBLIGATION OF THE TOWN
Resolution No. 15/89-90

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:

One (1) Cab and Chassis Mounted Vacuum Sweeper

One (1) Rear Loading High Compaction Refuse Truck

and;

WHEREAS, the said contract, bearing the date October 18, 1989, 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 October 18, 1989, 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 17th day of October, 1989:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Judith Wegner, Jay Bryan
Noes:None

Absent or Excused: None

EXTENSION OF PUBLIC WATER AND SEWER SERVICE TO EXISTING NEIGHBORHOODS

Roy Williford, Planning Director, presented a report referencing OWASA'S September 19, 1989 letter responding to Chapel Hill's request for OWASA to propose a plan for extending service to existing "developed" neighborhoods in the Chapel Hill-Carrboro Urban Service Area.

John Greene, an engineer with OWASA, answered the Board's questions about the White Oak Drive Subdivision.

Bill Aderholt, one of the town's representatives on the OWASA Board, spoke to the Board about OWASA's assessment policy.

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

A RESOLUTION CONCERNING EXTENSION OF
WATER AND SEWER SERVICES TO EXISTING NEIGHBORHOODS
Resolution No. 22/89-90

WHEREAS, the Board of Aldermen has had extended discussion of the request by Chapel Hill for a modification of the OWASA policy with regard to extending water and sewer services to existing neighborhoods; and

WHEREAS, the Board of Aldermen has concerns regarding the implications of this proposal for water and sewer rates to be paid by all OWASA rate payers, including Carrboro citizens; and

WHEREAS, the Board of Aldermen also has concerns regarding the future process for determining priorities for extension of service to existing neighborhoods.

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

Section 1. That the Town Manager be asked to advise OWASA that the Board of Aldermen desires to review changes in any policies governing extension of services to existing neighborhoods prior to the adoption of any such policy changes.

Section 2. That the Board desires to review any capital facilities plan proposed by OWASA prior to adoption.

Section 3. That the town staff provide the Board of Aldermen with further information and recommendation in connection with ongoing OWASA work on this topic and other related topics.

Section 4. That the Town Manager be asked to advise the Town of Chapel Hill of the Board's continued grave concerns regarding the implications for intergovernmental relations that have resulted from recent Chapel Hill actions with regard to the OWASA Board of Directors.

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 17th day of October, 1989:

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

Noes: Jay Bryan (Alderman Bryan was opposed only to Section 4 of this resolution but was in favor of all remaining sections of the resolution.)

Absent or Excused: None

AMENDMENT TO JOINT PLANNING AGREEMENT TO ALLOW PUBLIC WATER AND SEWER EXTENSIONS THROUGH THE RURAL BUFFER IN CERTAIN LIMITED INSTANCES

The Board of Aldermen at its meeting on October 10, 1989 considered a proposed amendment to the Joint Planning Agreement which would clarify the three parties' intent regarding public water and sewer extensions through and into the Rural Buffer. The Board requested that the town staff obtain information on the schedule for construction of the new County school, and the impact of revising the proposed amendment. The Board also requested that the town staff prepare a re-draft of the proposed amendment to delete language referencing extension of public water and sewer lines into or through the Rural Buffer for purposes other than essential public facilities or to remedy public health emergencies.

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

A RESOLUTION ADOPTING DIFFERENT LANGUAGE THAN
THAT PROPOSED BY ORANGE COUNTY
TO AMEND THE JOINT PLANNING AGREEMENT
TO ALLOW LIMITED EXTENSIONS OF PUBLIC WATER AND SEWER
LINES THROUGH THE RURAL BUFFER PORTION OF THE JOINT PLANNING AREA
Resolution No. 18/89-90

WHEREAS Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement on November 2, 1987; and

WHEREAS Section 2.6 (f) of the Agreement provides that proposed amendments to the text of the Agreement shall not become effective until approved by the towns, and an Orange County ordinance adopting the amendment is adopted by Orange County; and

WHEREAS Orange County has proposed an amendment to the Joint Planning Agreement to add a section 4. Water and Sewer Extensions, clarifying the position of the Towns and the County concerning the extension of public water and sewer service through and into the Rural Buffer portion of the Joint Planning Area; and

WHEREAS the Towns and the County held a joint public hearing on September 14, 1989 to hear comments on the proposed amendment; and

WHEREAS the Towns and the County and Chatham County are currently involved in joint discussions to develop an implementation scheme for the OWASA/Camp Dresser & McKee University Lake Watershed study, which discussions include discussions of the advisability of extending public water and sewer service into the University Lake Watershed portions of the Rural Buffer; and

WHEREAS after hearing the comments presented at the joint public hearing the Town believes that the Joint Planning Agreement should be amended to allow water and sewer extension through the Rural Buffer to serve the proposed County elementary school, but that such amendment should not encompass general permission for or prohibition of water and sewer extensions into the Rural Buffer until such time as agreement is reached on an implementation scheme for the OWASA/Camp Dresser & McKee University Lake Watershed study;

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

Section 1. That an amendment to the Joint Planning Agreement between Chapel Hill, Carrboro, and Orange County, adding a new Article 4. Water and Sewer Extensions, to clarify the position of the Towns and the County concerning the extension of public water and sewer service through and into the Rural Buffer portion of the Joint Planning Area, should be approved, provided that the approved language of Article 4 would read as follows:

ARTICLE 4. WATER AND SEWER EXTENSIONS

Section 4.1 Water and Sewer Extensions Within the Rural Buffer

The extension of public water and sewer lines through the Rural Buffer portion of the Joint Planning Area is permitted, provided the extensions are necessary to serve an essential public facility, such as a school, or to remedy a public health emergency not otherwise correctable, such as a failing septic tank or failing package treatment plant.

Section 2. This resolution shall become effective upon its adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this the 17th day of October, 1989:

AYES: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Judith Wegner, Frances Shetley

NOES: Eleanor Kinnaird, Jay Bryan

ABSENT OR EXCUSED: None

PROPOSED WATERSHED AGREEMENT AND RELATED MATTERS

The Orange-Chatham Cooperative Planning Work Group on October 12, 1989, reached a proposed watershed protection agreement for review and comment by the governing boards. Alderman Wegner reviewed the proposed agreement for consideration by the Board.

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

A RESOLUTION ADVISING THE TOWN OF CHAPEL HILL AND
ORANGE COUNTY OF THE TOWN OF CARRBORO'S INTENT
TO SCHEDULE A PUBLIC HEARING ON THE
PROPOSED WATERSHED AGREEMENT
Resolution No. 20/89-90

WHEREAS, the Carrboro Board of Aldermen received a report from the Orange-Chatham Cooperative Planning Work Group on the proposed watershed agreement at its meeting on October 17, 1989; and

WHEREAS, the Board commented on the proposed agreement; and

WHEREAS, it was the Board's desire to join with the other affected jurisdictions in scheduling a public hearing on the proposed agreement.

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

Section 1. The Board of Aldermen hereby conveys its desire to join with Chapel Hill and Orange County in scheduling a joint public hearing on the items listed in the proposed watershed agreement with such other additional details as may be brought back before that hearing.

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 17th day of October, 1989:

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

Noes: None

Absent or Excused: None

REPRESENTATIVE FOR COORDINATION AND COMMUNICATION COMMITTEE MEETINGS

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT MAYOR KINNAIRD ASK THE COORDINATION AND COMMUNICATION COMMITTEE IF A SUBSTITUTE COULD ATTEND THOSE MEETINGS IN HER PLACE.
VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

Eleanor J. Kinnaid
Mayor