

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 10, 1990 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
	Jacquelyn Gist
	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 JACQUELYN GIST THAT THE MINUTES OF APRIL 3, 1990 BE APPROVED. VOTE: AFFIRMATIVE ALL

A RESOLUTION HONORING THE LIFE AND MEMORY OF DENNIS FRYE

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

**A RESOLUTION HONORING THE LIFE AND MEMORY
OF DENNIS FRYE**

Resolution No. 46/89-90

WHEREAS, Dennis Frye was appointed to the Carrboro Board of Adjustment on March 16, 1983; and

WHEREAS, Dennis Frye served the Town of Carrboro diligently until his death on March 11, 1990; and

WHEREAS, Dennis Frye served as Chairman of the Board of Adjustment, exemplifying devotion and leadership; and

WHEREAS, Dennis Frye's love for and willingness to become involved and serve its people was evidenced by his membership on the Board of Adjustment.

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

Section 1. The Board mourns the loss of Dennis Frye and honors his memory by officially recognizing his birthday, March 1st, as "Dennis Frye Day" for his years of devoted, faithful 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 thereof shall be delivered to Dennis Frye's family.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, was duly adopted this 10th day of April, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENTS/
IMPLEMENTATION OF PROPOSALS RELATING TO THE PROTECTION OF THE
UNIVERSITY LAKE WATERSHED

Roy Williford, Planning Director reviewed the proposed amendments to the Carrboro Land Use Ordinance, which will implement the Watershed Protection Strategy. Mr. Williford requested direction from the Board on whether to include Heritage Hills in the proposed rezoning change from R-20 to WR, and stated that the administration recommended that the Board set a public hearing for May 15, 1990 on the proposed amendments.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE ZONING MAP CHANGES NOT INCLUDE THE REZONING OF HERITAGE HILLS FROM R-20 TO WR. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (KINNAIRD, SHETLEY, GIST, BRYAN)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT A PUBLIC HEARING ON THE PROPOSED AMENDMENTS BE SET FOR MAY 15, 1990. VOTE: AFFIRMATIVE ALL

LOADING ZONE - FURNITURE DOCTOR

Roy Williford, Planning Director, stated that Mr. John Mason had requested that a loading zone be provided in front of his business along Lloyd Street to facilitate his customers in loading and unloading furniture.

The administration and Transportation Advisory Board recommended adoption of an ordinance providing for such a loading zone on Cobb Street, with hours limited to 7:00 a.m. until 6:00 p.m., Monday through Saturday.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO PROVIDE FOR A LOADING ZONE ON COBB STREET," BE ADOPTED. VOTE: AFFIRMATIVE ALL

GUIDELINES FOR SELECTING ADVISORY BOARD AND COMMISSION MEMBERS

Per the Board of Aldermen's request, the administration revised the Guidelines for Selecting Advisory Board and Commission Members for the Board's consideration.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE GUIDELINES BE ADOPTED WITH THE FOLLOWING CHANGES:

a. That the limit of two consecutive full terms be deleted from the guidelines.

b. That section c. under 3. (Appointments to Expired Terms) and section c. under 5. (Appointments to Unexpired Terms) be amended to add the following sentence: "Copies of all applications received shall be forwarded to the Mayor and Board of Aldermen."

c. That sections c., d. and e. under 5. (Appointments to Unexpired Terms) be amended to read as follows:

"c. Within four weeks following the advertisement, the chair shall make a recommendation to the Mayor and Board of Aldermen for appointment to his/her board."

"d. If a recommendation has not been received from the chair within four weeks following the advertisement, the Town Clerk shall contact the chair and request a status report on his/her recommendation.

- "e. Within six weeks following the advertisement, the Mayor and Board of Aldermen will make the appointment to fill the unexpired term."
- d. That section a. under 6. (Attendance) be amended to read as follows: "The chair of each board or commission shall file with the Town Clerk an attendance report on a quarterly basis indicating if members are present or absent."

VOTE: AFFIRMATIVE ALL

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

A RESOLUTION ADOPTING REVISED GUIDELINES
FOR THE SELECTION OF ADVISORY BOARD AND
COMMISSION MEMBERS
Resolution No. 45/89-90

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board hereby adopts the following "Guidelines for Selecting Advisory Board and Commission Members", which replaces previous versions of these guidelines. It is the Board's intention that, except to the extent that one or more of the guidelines is incorporated into the Town Code, the guidelines shall be used only to guide the exercise of the Board's discretion in making appointments and shall not otherwise be regarded as binding limitations on the Board's appointment authority.

GUIDELINES FOR SELECTING ADVISORY
BOARD AND COMMISSION MEMBERS
Amended: 4/10/90

1. APPOINTMENTS

- a. Three-year terms
- b. Membership limited to one board or commission
- c. Members must be registered voters in Orange County
- d. Appointments begin on February 1st

2. APPLICATIONS FOR EXPIRED TERMS

- a. Each October the Town Clerk will advertise that the town is accepting applications for upcoming openings on boards and commissions in February.
- b. All candidates must complete an application to be considered for appointment.
- c. Applications will be taken for 30 days.
- d. Applications received after the October 31st deadline will be kept on file for future vacancies.
- e. Applications will be maintained on file until the following October.
- f. The Town Clerk will notify all applicants in writing of receipt of his/her application and give a status report on his/her application.

3. APPOINTMENTS TO EXPIRED TERMS

- a. By November 15th, the Town Clerk shall forward copies of applications to the chairs of the boards and commissions and the Mayor and Board of Aldermen.
- b. Each chair shall contact his/her applicants and invite

them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. Board chairs may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission.

- c. By December 31st, the chairs of each board shall make a recommendation to the Mayor and Board of Aldermen for appointments to his or her board. Copies of all applications received shall be forwarded to the Mayor and Board of Aldermen.
- d. If a recommendation has not been received from board chairs by December 31st, the Town Clerk shall contact the chairs and request a status report on his/her recommendation.
- e. By January 15th, the Mayor and Board of Aldermen will make appointments to boards and commissions to fill expired terms.

4. APPLICATIONS FOR UNEXPIRED VACANT TERMS

- a. If a vacancy occurs on a board or commission and the Town Clerk has two or more applications for that specific board or commission, no further advertisement will be necessary. If two or more applications are not on hand, the Town Clerk shall advertise the vacancy for one month.
- b. Upon receipt of any application, the Town Clerk shall notify the applicant in writing of receipt of his/her application and give a status report on whether vacancies exist.

5. APPOINTMENTS TO UNEXPIRED TERMS

- a. Within two weeks following the one-month advertisement, the Town Clerk shall forward copies of applications to the chair of the board or commission on which the vacancy exists along with copies to the Mayor and Board of Aldermen.
- b. The chair shall contact his/her applicants and invite them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. The board chair may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission.
- c. Within four weeks following the advertisement, the chair shall make a recommendation to the Mayor and Board of Aldermen for appointment to his/her board. Copies of all applications received shall be forwarded to the Mayor and Board of Aldermen.
- d. If a recommendation has not been received from the chair within four weeks following the advertisement, the Town Clerk shall contact the chair and request a status report on his/her recommendation.
- e. Within six weeks following the advertisement, the Mayor and Board of Aldermen will make the appointment to fill the unexpired term.

6. ATTENDANCE

- a. The chair of each board or commission shall file with the Town Clerk an attendance report on a quarterly basis indicating if members are present or absent.
- b. Unless the chair waives the requirement, members shall be if they are absent from three consecutive meetings or if they miss more than 30% of the meetings during a 12-month period. The Town Clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have 10 days after receipt of such notice to waive the removal. If the chair fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

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 April, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT INCREASING THE NUMBER OF SEATS ON THE DOWNTOWN DEVELOPMENT COMMISSION

The Downtown Development Commission requested that an additional seat be added the Downtown Development Commission. The Town Attorney has prepared an ordinance which would amend the Town Code to increase the number of seats from seven to eight.

MOTION WAS MADE BY HILLIARD CALDWELL AND DULY SECONDED BY ALDERMAN RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO INCREASE THE NUMBER OF SEATS ON THE DOWNTOWN DEVELOPMENT COMMISSION TO EIGHT," BE ADOPTED. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO DOWNTOWN DEVELOPMENT COMMISSION

Gary Phillips, whose term on the Downtown Development Commission expired in February, 1990, requested to be reappointed to the Commission.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT GARY PHILLIPS BE REAPPOINTED TO THE DOWNTOWN DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

CASH MANAGEMENT PLAN

Larry Gibson, Assistant Town Manager, stated that the town's auditors and the Local Government Commission have recommended that the town adopt an official cash management policy and procedures. In order to comply with these recommendations, the town staff has reviewed the policies and procedures of other localities and has prepared a formal cash management plan. Mr. Gibson stated that the administration recommended adoption of a resolution directing the implementation of the proposed cash management plan.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jay Bryan.

A RESOLUTION ESTABLISHING A CASH MANAGEMENT POLICY
Resolution No. 30/89-90

WHEREAS, to fully maximize the use of public moneys is in the best interest of the public; and

WHEREAS, it is the responsibility of the finance officer to supervise the management of public moneys of the Town of Carrboro; and

WHEREAS, it is the desire of the Board of Aldermen to use all of its public funds in a most efficient manner.

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

Section 1. The Board of Aldermen hereby charges the finance officer, with the cooperation of all town departments and officials, to devise and implement a cash management plan which addresses cash receipts, cash mobilization and management of available resources (investments), cash disbursements, banking relations, and monitoring and reporting on the plan.

Section 2. The independent auditor for the Town of Carrboro shall monitor the town's compliance with the established cash management plan and the reports of the finance officer thereon. He shall report his findings and recommendations annually to the Board as a part of the town audit.

Section 3. Each year the plan will be reviewed by the finance officer during budget preparations. The finance officer shall amend the plan, as appropriate, to further enhance the town's cash management program.

Section 4. All employees of the town shall follow the cash management plan and provisions of this resolution.

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 10th day of April, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

RESOLUTION AMENDING MISCELLANEOUS FEES AND CHARGES SCHEDULE TO ASSESS A SCRAP TIRE DISPOSAL FEE

The administration recommends adoption of a resolution amending the Miscellaneous Fees and Charges Schedule to reflect a change in the scrap tire disposal fee from \$17.00 per ton to \$1.00 per tire or \$100.00 per ton. This amendment will allow the Orange Regional Landfill to fully comply with the provisions of the N.C. Scrap Tire Disposal Act.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION AMENDING THE MISCELLANEOUS FEES AND CHARGES SCHEDULE TO ASSESS A SCRAP TIRE DISPOSAL FEE THAT ALLOWS THE ORANGE REGIONAL LANDFILL TO FULLY COMPLY WITH THE PROVISIONS OF THE N.C. SCRAP TIRE DISPOSAL ACT
Resolution No. 43/89-90

WHEREAS, the Town of Carrboro supports the provisions of the North Carolina Scrap Tire Disposal Act; and

WHEREAS, it is the intent of the Town of Carrboro to collect and dispose of scrap tires in an environmentally sound fashion.

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

Section 1. That the Miscellaneous Fees and Charges Schedule be amended to reflect a change in the fee for the scrap tire disposal fee from \$17.00 per ton to \$1.00 per tire or \$100.00 per ton.

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 April, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

REQUEST TO CANCEL APRIL 17TH MEETING OF THE BOARD OF ALDERMEN

The administration recommended that the Board cancel its meeting scheduled for April 17, 1990, due to the lack of agenda items.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD OF ALDERMEN'S MEETING SCHEDULED FOR APRIL 17, 1990 BE CANCELLED. VOTE: AFFIRMATIVE ALL

SETBACKS FOR THE HIGHLANDS, PHASE V

At its meeting on March 27, 1990, the Board of Aldermen directed the town staff and attorney to review the request of Dale Redfoot, developer of The Highlands, to allow Phase V of his development to be developed with setbacks that are consistent with the remainder of the development. In response, the Town Attorney prepared a memorandum which indicates that Mr. Redfoot's request can be accommodated through the minor modification proces by creating an architecturally integrated subdivision. This was provided for the Board's information at this time. A plan revision showing proposed setbacks will need Board approval at a later date.

REQUEST FOR REVISIONS TO WATERSHED IMPLEMENTATION STRATEGY AMENDMENTS

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE TOWN STAFF INCLUDE THE FOLLOWING AMENDMENTS IN THE PROPOSED WATERSHED IMPLEMENTATION STRATEGY AMENDMENTS:

a. Creation of a new section which would exclude the extension of public water in the watershed.

b. Amendment to the last sentence in Section 15-266(b) following the word "includes" to include the following language: "but is not limited to."

c. Amendment to the third line of Section 15-238(c) following the word "hazard" to include the following language "not otherwise correctable."

d. Inclusion of language to prohibit septic tanks or nitrification fields within designated stream buffer zones or within a certain distance of perennial streams (to include 20-foot setbacks).

e. Inclusion of language to require that open space be dedicated to a public or non-profit entity.

IN ADDITION, THAT THE BOARD OF ALDERMEN REVIEW THE PLANNING BOARD'S COMMENTS ON THE PROPOSED AMENDMENTS, ALONG WITH THE REVISED AMENDMENTS AT THE BOARD'S MAY 1, 1990 MEETING, PRIOR TO SUBMISSION OF THE ADVERTISEMENT FOR THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

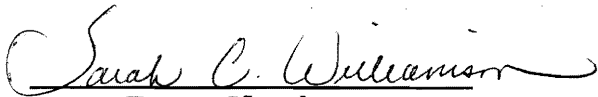
TOT LOT/FAIROAKS, PHASE IV

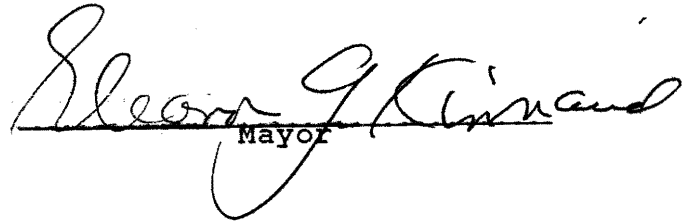
The Board requested that the town staff contact the developer of Fair Oaks to determine the status of construction of the tot lot in Phase IV of the Fair Oaks Subdivision.

LAND USE ORDINANCE TEXT AMENDMENT REQUIRING OWASA TO OBTAIN
CONDITIONAL USE PERMITS FOR WATER AND SEWER EASEMENTS

It was the consensus of the Board to request the town staff to prepare an amendment to the Land Use Ordinance requiring OWASA to obtain conditional use permits for water and sewer easements.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL


Town Clerk


Mayor