A regular meeting of the Carrboro Board of Aldermen was held on June 26, 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
Deputy Town Clerk	Larry Gibson
Town Attorney	Michael Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

It was the consensus of the Board to delay approval of the minutes of June 19, 1990 to the Board's meeting scheduled for August 21, 1990.

PROCLAMATION

Alderman Caldwell read a proclamation proclaiming July 1, 1990 as Ralph Milton Bynum Day in the Town of Carrboro.

CHARGE ISSUED TO NEW BOARD APPOINTEE

The Deputy Town Clerk issued a "charge" to Olivia Ludington, a recent appointee to the Board of Adjustment.

A certificate of appreciation was also given to Ms. Ludington for her service while on the Planning Board.

PUBLIC HEARING/STREET CLOSING REQUEST/MILTON DRIVE

The residents of Cheek Street and Milton Drive requested the temporary closing of Milton Drive from 5:00 p.m. to 9:00 p.m. on Wednesday, July 4, 1990, to accommodate a neighborhood block party.

Mr. Morgan stated that an application for the street closing had not been submitted to the town and the applicant, Patricia Adelle, stated that she wished to withdraw her request for the street closing. Therefore, the administration recommended that the public hearing not be held.

(This item was withdrawn from the agenda.)

CONSIDERATION OF ESTABLISHING BICYCLE LANES ON PATHWAY DRIVE

Sarah Burdick, the town's Transportation Planner, stated that this was a public hearing to receive citizens' comments on the establishment of bicycle lanes on both sides of Pathway Drive. Ms. Burdick stated that the Bicycle Policy adopted by the Board of Aldermen in March, 1989 includes bicycle lanes on Pathway Drive since it is a collector street. Ms. Burdick stated that the administration recommended that parking not be allowed from 7:00 a.m. to 6:30 p.m.

Chris Peterson, Public Works Director, stated that Pathway Drive had been constructed in phases by three different developers.

Alex Zaffron, Chair of the Transportation Advisory Board, stated that the TAB recommended that bikelanes be extended along both sides of Pathway Drive with no parking from 7:00 a.m. to 8:00 p.m.

Roy Williford, Planning Director, stated that Pathway Drive is planned to link with Seawell School Road at some time in the future.

Scott McClellan, a resident of Pathway Drive, stated that he feels

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Pathway Drive is inappropriate for bikelanes because it is a neighborhood street and he does not see the benefits of having bikelanes at this time. Mr. McClellan spoke in favor of continuing bikelanes on Hillsborough Road and Greensboro Street. Mr. McClellan stated that he was not told at the time of purchase of his property that Pathway Drive was a collector road.

Mary Frances Boyce, a resident of Pathway Drive, stated that the developer had told her at the time of purchase that Pathway Drive was a connector road and also told them that parking was allowed on the street. If the town establishes bikelanes on Pathway Drive, Ms. Boyce requested that they be from 7:00 - 9:00 a.m. on one side and from 4:00 - 6:00 p.m. on the other side.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO ESTABLISH A BIKE LANE AND PROHIBIT PARKING ALONG CERTAIN PORTIONS OF PATHWAY DRIVE," BE ADOPTED WITH NO PARKING ALLOWED FROM 7:00 A.M. TO 9:00 A.M. AND FROM 4:00 P.M. TO 6:30 P.M., MONDAY THROUGH FRIDAY. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, CALDWELL)

<u>CONTINUATION OF PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT</u> <u>TO ELIMINATE THE PAVING REQUIREMENT WITHIN THE B-1(C) ZONING</u> <u>DISTRICT</u>

This was a continuation of a public hearing held on June 19, 1990 to receive public comment on a proposed amendment to the Land Use Ordinance which would eliminate the paving requirements within the B-1(c) zoning district. This public hearing was continued in order to afford the Planning Board an opportunity to comment on the proposed amendment.

Diana Woolley, Chair of the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance.

Gary Phillips, Chair of the Downtown Development Commission, stated that the Downtown Development Commission supports the proposed amendment.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ELIMINATE THE PAVING REQUIREMENT WITHIN THE B-1(C) ZONING DISTRICT," BE ADOPTED. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (MARSHALL)

Diana Woolley, Chair of the Planning Board, stated that the Planning Board had requested that the Board of Aldermen formally refer proposed amendments to the Land Use Ordinance to the Planning Board for review. In addition, Ms. Woolley stated that the Planning Board had established a sub-committee to work with the Downtown Parking Committee on parking requirements for the downtown district. Robin Lackey, Charles Riggsbee and Susan Rodemeir will serve as the Planning Board's representatives.

It was the consensus of the Board to refer the addition of the Planning Board representatives to the Chair of the Downtown Parking Committee along with a review of the "charge" for the Downtown Parking Committee.

HIGHWAY 54 BYPASS LANDSCAPE REVIEW - RETAINING WALLS

Elizabeth Fischer, Landscape Architect with the N.C. Department of Transportation, made a presentation to the Board on retaining wall materials, design, etc. as part of the Highway 54 project. Ms. Fischer stated that retaining walls can be constructed out of concrete or pressure treated timber. Timber will have to be used at Wildwood Springs and concrete is preferred at Old Wells Apts. Ms. Fischer stated that it was determined by DOT that sound walls were not warranted along the project. Ms. Fischer stated that \$97,000 had been set aside for plantings for the Highway 54 project.

Mr. Morgan stated that the town and DOT are negotiating a contract for maintenance of the right-of-way.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT WOOD TIMBERS BE USED FOR RETAINING WALLS ALONG HIGHWAY 54. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (KINNAIRD, SHETLEY, GIST, BRYAN)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THIS MATTER BE REFERRED TO THE APPEARANCE COMMISSION FOR REVIEW AND COMMENTS. VOTE: AFFIRMATIVE ALL

PRESENTATION BY ARTSCENTER TASK FORCE

Bill Farley, Chair of the Public/Private Partnership Task Force to consider the ArtsCenter's general operations and management condition, presented a status report on the ArtsCenter. Mr. Farley presented the financial records for the ArtsCenter stating that the ArtsCenter currently has \$422,000 in liability. The Babcock Foundation has stated that if business and civic groups come together, that the \$95,000 debt to them will be turned into a grant in November. An audit will be completed on September 10, 1990. If the two towns and Orange County contribute funds to Main Street Partners, it would ensure that the building stays in operation. Funding would stop if the audit is not completed by September 10th. Funding from the towns would stop if public donations and business grants do not total \$55,000 by November 1, 1990. Main Street Partners have stated that they are willing to sell the building and enter into negotiations with civic bodies to sell the entire shopping center.

Gary Phillips, Chair of the Downtown Development Commission, stated that when the Downtown Development Commission was begun, the goal of the Commission was to revitalize the downtown. The ArtsCenter brings many many dollars to Carrboro. Mr. Phillips presented a petition containing the signatures of 23 businesses along East Main Street speaking in support of funding for the ArtsCenter.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT \$3,750 BE TRANSFERRED FROM THE CONTINGENCY FUND TO BE ALLOCATED TO THE ARTSCENTER AT A RATE OF \$1,250 PER MONTH FOR JULY, AUGUST AND SEPTEMBER, ON THE CONDITION THAT THE ARTSCENTER PROVIDE TO THE BOARD ITS PLANS TO CHANGE ITS CORPORATE STRUCTURE AND POLICIES TO ACCOMPLISH THE FOLLOWING:

- A. MAKE IT A CONDITION OF ITS CHARTER AND BYLAWS TO:
 - (1) ATTRACT AND HIRE AN EXECUTIVE DIRECTOR WHO HAS SKILLS IN FINANCE, ARTS PROGRAMMING AND PUBLIC AFFAIRS;
 - (2) ATTRACT TO THE BOARD OF DIRECTORS THREE ADDITIONAL INDIVIDUALS WHO HAVE MANAGEMENT AND FINANCIAL SKILLS TO HELP GUIDE THE ARTSCENTER THROUGH A HIGHLY COMPLEX PERIOD;
 - (3) WORK OUT WITH THE SEVEN BANKS A PAYMENT SCHEDULE WHICH MAY BE ACHIEVABLE;
 - (4) BEGIN AGGRESSIVE LEASING OF REMAINING SPACE AT THE ARTSCENTER;
 - (5) INSURE THAT A FINANCIAL PLANNING AND CONTROL SYSTEM IS IMPLEMENTED AT THE ARTSCENTER; AND
 - (6) IMPLEMENT A COORDINATED FUND-RAISING APPROACH.
- B. THAT IT WILL OPERATE WITHIN THE "BLACK" BEGINNING 12 MONTHS FROM NOW WHATEVER ITS MUNICIPAL SUPPORT MIGHT BE.
- C. THAT THE TOWN OF CARRBORO'S SUPPORT BE CONTINGENT ON A

SHOWING AT THE TIME OF THE TOWN'S BUDGET REVIEW AND DECISIONS FOR THE 1991-92 BUDGET, THAT THE ARTSCENTER HAS OPERATED IN THE "BLACK".

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IN ADDITION, THAT A PUBLIC HEARING BE HELD FOLLOWING RECEIPT OF THE AUDIT IN SEPTEMBER, 1990, AND PRIOR TO THE BOARD RESPONDING TO ANY FURTHER FUNDING REQUESTS SUBMITTED BY THE ARTSCENTER. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GURGANUS, CALDWELL)

REQUESTS FROM CABLE T.V. COMMITTEE

The Cable T.V. Committee requested the Board of Aldermen consider the following:

- a. Support for efforts to restore local governments' regulatory authority of the cable television industry;
- b. Amendment of the Town Code to change the status of grantee nominated members of the Cable T.V. Committee from voting to non-voting members; and
- c. Appointment of franchise grantee representatives to the Cable T.V. Committee as follows:
 - Rob Ware (to represent Alert Cable) Randall Houser (to represent Carolina Cable)

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

A RESOLUTION SUPPORTING REGULATION OF THE CABLE TELEVISION INDUSTRY Resolution No. 61/89-90

WHEREAS, the Cable Communication Policy Act of 1984, and the 1986 FCC implementations of this act, removed local governments' authority to regulate most cable rates and services; and

WHEREAS, the Town of Carrboro recognizes the importance of the aforementioned rights to regulate industries with franchises located within the town limits; and

WHEREAS, a number of bills to amend the Communications Act were recently introduced into the House of Representatives and the Senate, with the intent of restoring the rights of local regulatory authorities to regulate cable television programming and rates; and

WHEREAS, the Cable Television Committee of the Town of Carrboro passed a resolution urging the Board of Aldermen to petition local representatives to support restoring regulatory rights.

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

Section 1. The Board hereby expresses support for the restoration of the authority of local municipalities to fully regulate the rates, programming and technical service of cable television industry franchises located within the town limits.

Section 2. Copies of this resolution shall be forwarded to the Federal Communications Commission; Senators Jesse Helms and Terry Sanford; Representative David Price; and Representative John Dingell, Chairman of the U.S. House Committee on Energy and Commerce.

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 26th day of June, 1990:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO CHANGE THE STATUS OF GRANTEE NOMINATED MEMBERS OF THE CABLE TELEVISION COMMITTEE FROM VOTING TO NON-VOTING MEMBERS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT ROB WARE AND RANDALL HOUSER BE APPOINTED TO THE CABLE T. V. COMMITTEE TO REPRESENT ALERT CABLE AND CAROLINA CABLE. VOTE: AFFIRMATIVE ALL

ADOPTION OF PAY PLAN AND RELATED POLICIES

Larry Gibson, Assistant Town Manager, stated that on June 19, 1990, the Board of Aldermen adopted a resolution supporting three salaryrelated items in the FY'90-91 budget: (i) implementation of a new pay plan according to recommendations from the MAPS Group; (ii) an across-the-board increase in salaries of 4%, and (iii) 85% funding of 2.5% merit increases for eligible employees. Mr. Gibson stated that the administration had prepared a new plan reflecting the items contained in the June 19th resolution. In addition, Mr. Gibson stated that the new pay plan reflects changes recommended by the MAPS Group which are as follows: (i) move the Accounting Specialist (Grade 11) to Accounting Officer (Grade 13); move the Accounting Clerk (Grade 6) to Grade 8; and (iii) move the Program Support Assistant I in Recreation (Grade 6) to Program Support Assistant II (Grade 8). Mr. Gibson stated that the administration recommended that the Board appropriate funds in the FY'90-91 budget year in the amount of \$7,375 to cover continued funding of 5% adjustments for new employees completing probation and \$951 for classification changes resulting from the appeals process.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT \$7,375 PLUS \$951 BE TAKEN FROM LAPSE SALARIES WITH THE UNDERSTANDING THAT THE TOWN MANAGER MAY REQUEST ADDITIONAL FUNDS IF THE LAPSE SALARY FUND ARE NOT SUFFICIENT, AND THAT THE TOWN MANAGER REPORT BACK TO THE BOARD WITH SUGGESTIONS ON WAYS TO AVOID COMMITMENTS WITH NEW EMPLOYEES FOR AUTOMATIC PROBATIONARY INCREASES THAT HAVE NOT BEEN APPROVED BY THE BOARD. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE RECOMMENDATION OF THE ADMINISTRATION BE ACCEPTED TO ADOPT THE CONSULTANT'S FINDINGS AND ADOPT THE CHANGES TO THE CLASSIFICATION PLAN AS RECOMMENDED BY THE TOWN MANAGER. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (KINNAIRD, CALDWELL, SHETLEY, GIST)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE PAY PLAN BE ADOPTED WITH THE EXCEPTION OF THE ACCOUNTING CLERK, PROGRAM SUPPORT ASSISTANT II (IN PLANNING), AND SPECIAL PROJECTS COORDINATOR (IN PLANNING) AND THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS THESE THREE POSITIONS. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (MARSHALL, GURGANUS, KINNAIRD, SHETLEY)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE PAY PLAN BE ADOPTED WITH THE MANAGER'S RECOMMENDATIONS FOR THE THREE POSITIONS IN QUESTION. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (CALDWELL, GIST, SHETLEY, BRYAN)

It was the consensus of the Board to consider adoption of the Pay Plan on the August 21, 1990 agenda of the Board.

REPORT ON CARRBORO REVOLVING LOAN FUND

James Harris, the town's Special Projects Coordinator, presented a status report on the town's revolving loan fund program.

Gary Phillips, Chair of the Downtown Development Commission, stated that the Revolving Loan Fund Review Board recommends higher interest rates to those businesses with cash flow problems who need short-term support to encourage bringing money back into the Revolving Loan Fund as soon as possible.

(No action was taken by the Board on this matter.)

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REVOLVING LOAN FUND APPLICATION/PET POURRI

James Harris, the town's Special Projects Coordinator, stated that Dr. Charles Ward had requested a loan in the amount of \$15,000 from the town's revolving loan fund to assist in the opening of a pet supply store at the Animal Hospital. The loan would be used to purchase inventory and fixtures.

Gary Phillips, Chair of the Downtown Development Commission/ Carrboro Revolving Loan Fund Review Board, stated that the Revolving Loan Review Board recommended approval of the \$15,000 loan at prime rate on the date of closing for three (3) years. Mr. Phillips stated that the Board also recommended that a clause for a balloon payment at 18 months be added to the Loan Agreement and the financial records be reviewed by CEDCO at six months and one year.

Roy Williford, Planning Director, stated that the retail store should not go beyondd the point of being an accessory to the Animal Hospital.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST THAT THE LOAN BE APPROVED AS RECOMMENDED BY THE REVOLVING LOAN FUND BOARD. VOTE: AFFIRMATIVE ALL

CERTIFICATION OF FIRE DEPARTMENT ROSTER

The administration recommended that the Board of Aldermen approve a roster of Fire Department members and authorize the Mayor to sign the certification.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE ROSTER BE APPROVED AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

REPORT ON CARR MILL MALL AND PTA THRIFT SHOP BIKEPATHS

Roy Williford, Planning Director, presented a status report on the proposed PTA Thrift Shop and Carr Mill bikepaths. Mr. Williford stated that the town staff had presented an easement agreement to the PTA Thrift Shop Board of Directors, but that no action has been taken on the agreement. Once the PTA Thrift Shop easement has been secured, efforts will be made to secure an easement across the remaining property owned by Ms. Mary Watson.

Mr. Williford stated that the town staff is working with the owners of Carr Mill Mall to secure an easement along the northern boundary of their property for the Carr Mill bikepath. Mr. Williford stated that the town staff has been working with Hakan Corley & Associates to determine the feasibility of a bikeway across the northern boundary of the Carr Mill property. Once HakAn Corley & Associates completes the preliminary engineering, the town staff will proceed with securing the necessary easements.

Alderman Shetley requested a further status report on these bikeways at the Board's meeting scheduled for August 21, 1990.

ADDITIONAL INFORMATION - WATERSHED PROTECTION STRATEGY

Roy Williford, Planning Director, stated that on May 15, 1990 the Board of Aldermen adopted an ordinance to amend the Land Use Ordinance which implemented the watershed protection strategy. At that meeting, the Board requested that several sections be reconsidered following additional study by the town staff. Mr. Williford stated that the administration recommended that the Board adopt an amended Section 18 dealing with water and sewer connections be adopted, in addition to amendments to Section 15-266(d) dealing with impervious surface limitations.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO IMPLEMENT PROPOSALS RELATING TO THE PROTECTION OF THE UNIVERSITY LAKE WATERSHED," BE ADOPTED. VOTE: AFFIRMATIVE ALL

(The Board took no action on the proposed ordinance amending Section 15-266(d).)

AUTHORIZATION TO ENTER INTO CONTRACT WITH ORANGE COUNTY FOR PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM

The administration requested authorization for the Town Manager to execute an agreement with Orange County for the purchase of geographic information system (GIS) software, support, and data bases.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO THE AGREEMENT WITH ORANGE COUNTY FOR THE GIS SYSTEM. VOTE: AFFIRMATIVE ALL

REQUEST TO RESCHEDULE JOINT PLANNING PUBLIC HEARING/RURAL CHARACTER STUDY AMENDMENTS

Mr. Morgan stated that the Orange County Board of Commissioners were not going to have a quorum for the Joint Planning Public Hearing scheduled for June 27, 1990. Mr. Morgan stated that Orange County was proposing to reschedule the public hearing for August 23 or August 30, 1990.

It was the consensus of the Board to ask that the public hearing be rescheduled for August 23, 1990.

MID-YEAR PLANNING RETREAT

Mr. Morgan asked if the Agenda Planning Committee could plan the Board's Mid-Year Retreat scheduled for September.

It was the consensus of the Board to request the Agenda Planning Committee to plan the mid-year retreat.

REPORT ON TREE CUTTING ON HILLSBOROUGH ROAD AND N. GREENSBORO STREET

Alderman Bryan requested a report on the cutting of trees by Duke Power Company reportedly out of the right-of-way at the intersection of Hillsborough Road and North Greensboro Street.

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SALE OF WATER TO HILLSBOROUGH

Alderman Bryan requested a report be presented by the town's OWASA representatives on the sale of water to the Town of Hillsborough.

There being no further business, the meeting was adjourned.

Dears Alimant Mayor

Deputy Town Clerk