

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 22, 1991 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 W. Morgan
Town Attorney	Michael B. Brough
Deputy Town Clerk	James E. Spivey

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY FRANCES SHETLEY THAT THE MINUTES OF JANUARY 8, 1991 BE APPROVED AS WRITTEN.
VOTE: AFFIRMATIVE ALL.

PROCLAMATION ISSUED

Mayor Kinnaird read a proclamation proclaiming February 01, 1991 National Black Nurses' Association Day.

A RESOLUTION REQUESTING A TRAFFIC SIGNAL AT THE INTERSECTION OF HIGHWAY NC 54 AND OLD FAYETTEVILLE ROAD

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

**AN EMERGENCY RESOLUTION REQUESTING A TRAFFIC SIGNAL
AT THE INTERSECTION OF NC 54 AND OLD FAYETTEVILLE ROAD
Resolution No. 28/90-91**

WHEREAS, there have been three fatalities at the intersection in the last thirty days; and

WHEREAS, the Town of Carrboro has requested a signal at this location since 1987 as part of the Transportation Improvement Program request; and

WHEREAS, the North Carolina Department of Transportation has approved the installation of a traffic signal at this location as part of the Highway 54 Bypass widening project (U-2003); and

WHEREAS, a signal will provide motorists with assistance in moving safely through the intersection;

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

Section 1. The Board of Aldermen requests that NCDOT install a traffic signal at the intersection of NC 54 and Old Fayetteville Road immediately.

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 22nd day of January, 1991:

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

Noes: None

Absent or Excused: None

REZONING REQUEST

Jonathan Stone, an employee at University Glass Company, requested that the property at 112 Merritt Mill Road be rezoned from R-2 to B-1(g).

This matter was referred to staff to investigate and make a report to the Board of Aldermen.

MILITARY ACTION IN THE MIDDLE EAST

William Stott, graduate student at UNC-Chapel Hill, requested that the Board of Aldermen adopt the following resolution.

RESOLUTION ESTABLISHING SANCTUARY IN CARRBORO
Submitted by the Orange County Greens

WHEREAS, Carrboro has for many years been in the forefront of the call for social justice and peace.

WHEREAS, Carrboro has a long tradition of citizens taking courageous stands to attain great social and political goals.

WHEREAS, the reliance of democracy on the moral force of its citizenry is nowhere more critical than in matters of war and peace.

AND WHEREAS, tonight's meeting was postponed from January 21 in honor of the birthday of Martin Luther King, Jr., whose commitment to non-violent civil disobedience as a tool for change was equalled only by his great moral vision.

Therefore, be it resolved, that we, the Board of Aldermen of Carrboro, North Carolina, do declare our town to be a sanctuary (for at least 48 hours while council is sought) for those persons who wish to decline to serve in the U.S. military or any other military or related service, for those presently serving who wish to desert military service, for war-tax resisters, and for those engaging in non-violent civil-disobedience in opposition to war. We further declare that the obligation of city employees to cooperate with federal and state employees in the apprehension or persecution of these dissenters rests solely with their individual consciences.

The Board of Aldermen did not take action on this resolution and explained that the Aldermen had decided that the Middle East Crisis would not be debated at the Board meetings.

Joseph Russ, Assistant Minister of Calvary Missionary Baptist Church, requested that the following resolution be read into the Minutes.

RESOLUTION CONCERNING THE WAR IN THE MIDDLE EAST

WHEREAS the Town of Carrboro has existed as part of a community that is noted for the defense of civil rights, and

WHEREAS this community has continually expressed a desire for world peace, and

WHEREAS the people of this community have a reputation of seeking to defend those who cannot defend themselves, and

WHEREAS Saddam Hussein and the nation of Iraq have violated the civil rights of the Kuwaiti people, and

WHEREAS the Iraqi militaristic aggression threatens world peace and has bullied and slaughtered the people of its weaker neighbor, and

WHEREAS the United States of America has acted in an honorable manner in conjunction with the World Community in seeking to right these barbaric actions with its military strength,

WE THE MEMBERS OF THE CALVARY MISSIONARY BAPTIST CHURCH

URGE the honorable members of the Carrboro Board of Aldermen to reject any attempt to make this community a haven for those involved in the treasonous acts of desertion from military service,

and

ENCOURAGE this board to send a message of support to the American soldiers, and to their families, who are giving their lives in support of their country to seek world peace.

Alex Zaffron, resident of Old Well Apartments, spoke against the Board's possible endorsement of the resolution which would designate the Town of Carrboro as a sanctuary.

Ben Grantham, 405 Lindsay Street, requested the Minutes reflect that the resolution requesting Carrboro's designation as a sanctuary does not reflect the sentiment of all people in Carrboro.

REPORT ON RE-OPENING THE OLD CEMETERY

Chris Peterson, Public Works Director, made the staff presentation stating that the LPA Group of North Carolina, the Town's consulting engineer, researched the deeds conveying the Old Cemetery property to the Town. From this research it has determined that approximately 150 burial spaces are available. The Cemetery Advisory Committee has recommended that the cemetery be re-opened to burials, but only in the approximate 130 grave spaces. Mr. Peterson stated that the Administration recommends the adoption of the resolution authorizing the reopening of the specified sections of the Old Carrboro Cemetery.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Randy Marshall.

A RESOLUTION AUTHORIZING THE REOPENING OF SPECIFIED SECTIONS WITHIN THE OLD CARRBORO CEMETERY FOR ADDITIONAL BURIALS Resolution No. 20/90-91

WHEREAS, the town owns a tract of land located south of Main Street adjacent to the University Railroad spur and the town's bikepath known as the Old Cemetery; and

WHEREAS, few, if any, burials have been permitted by the town within the Old Cemetery since at least 1975; and

WHEREAS, the town's consulting engineer has recently researched, identified, and staked the boundaries of the Old Cemetery property; and

WHEREAS, it has been determined that approximately 150 burial spaces are available within the Old Cemetery; and

WHEREAS, the Citizen's Cemetery Advisory Committee, at its November, 1990 meeting, recommended that burials be once again allowed within specified areas of the Old Cemetery.

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

Section 1. The town administration is hereby authorized to sell burial rights in the Old Cemetery in accordance with the provisions of Chapter 13 of the Carrboro Town Code and as shown on the Old Cemetery site plan dated November, 1990.

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 22nd day of January, 1991:

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

Noes: None

Absent or Excused: None

RIGHT-OF-WAY ACQUISITION/HIGHWAY 54 BYPASS EXIT RAMP TO SMITH LEVEL ROAD

Chris Peterson, Public Works Director, made the staff presentation stating that NC DOT had made an offer to purchase approximately .13 acre of land for new right-of-way, approximately 645 square feet of land for a permanent drainage easement, and approximately 140 square feet for a temporary construction easement for the proposed widening of NC 54 Bypass South. The property is located on the Smith Level Road exit ramp of NC 54 Bypass adjacent to the Public Works Facility. This property was conveyed to the Town by M.W. and Berta Andrews. NCDOT's offer is at a rate of \$.94 per square foot for a total of \$7,525.00.

Mr. Peterson stated that the Administration recommends the acceptance of the Department of Transportation offer by adoption of the resolution so stating and that the \$7,525 be placed in a reserve account to be used for future purchases of property.

The following resolution was introduced by Alderman Frances Shetley and duly seconded by Alderman Tom Gurganus.

**A RESOLUTION AUTHORIZING THE TRANSFER TO THE N. C.
DEPARTMENT OF TRANSPORTATION OF TOWN-OWNED
RIGHT-OF-WAY AT THE HIGHWAY 54 BYPASS
AND SMITH LEVEL ROAD INTERCHANGE
Resolution No. 27/90-91**

WHEREAS, the town has entered into an agreement with the N.C. Department of Transportation for the improvements to portions of Highway 54 Bypass; and

WHEREAS, in order to complete this project, the N.C. Department of Transportation needs to acquire from the town approximately .13 acre for new right-of-way; approximately 645 square feet for a permanent drainage easement; and approximately 140 square feet for a temporary construction easement from the lot owned by the town adjacent to the Public Works Facility on the Hwy 54 Bypass exit ramp to Smith Level Road.

WHEREAS, the property in question was conveyed to the town by M. W. and Berta Andrews in a 1956 deed; and

WHEREAS, the N. C. Department of Transportation has agreed to pay to the town \$7,525.00 for this right-of-way.

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

Section 1. The town hereby conveys the right-of-way described in the N. C. Department of Transportation's offer to purchase real property dated 11-7-90, attached to this resolution (Attachment A) at a cost of \$7,525.00 and authorizes the Town Manager and Town Clerk to execute the deeds attached to this resolution (Attachments B, C, and D), which conveys to the N. C. Department of Transportation approximately .13 acre of new right-of-way; approximately 645 square feet for a permanent drainage easement; and approximately 140 square feet for a temporary construction easement from the town-owned lot adjacent to the Public Works Facility building on the NC 54 Bypass exit ramp to Smith Level Road.

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 22nd day of January, 1991.

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 FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE \$7,525.00 RECEIVED FOR THE RIGHT-OF-WAY PROPERTY BE PLACED IN

A RESERVE ACCOUNT TO BE USED FOR FUTURE PURCHASE OF PROPERTY FOR THE TOWN. VOTE: AFFIRMATIVE ALL

REPORT ON THE FLAT RATE EXTENDED AREA TELEPHONE SERVICE

Mr. Morgan stated that the Board of Aldermen had received a report on flat-rate extended area telephone service within Orange Durham, and Wake Counties. Resolutions adopted by the Orange County Commissioners and the Town of Chapel Hill were also supplied to the Board of Aldermen. The administration was requesting that the Board consider adoption of a resolution supporting the proposed flat-rate extended area telephone service.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Frances Shetley.

**A RESOLUTION FOR FLAT RATE EXTENDED AREA TELEPHONE SERVICE
AND REDUCED RATE REGIONAL CALLING**

Resolution No. 26/90-91

WHEREAS, on November 20, 1990, the Orange County Board of Commissioners adopted a resolution for flat rate area service and reduced rate regional calling; and

WHEREAS, on December 11, 1990, the Town of Chapel Hill adopted a similar resolution; and

WHEREAS, the citizens of Carrboro could benefit from these proposals for telephone service; and

WHEREAS, the Board of Aldermen believes that rates for extended area service in Orange County and all of the Town of Carrboro should be based on additional equipment costs as the basis of equity and regulated return on investment, rather than based on lost toll revenues.

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

Section 1. The Board of Aldermen supports the following:

(a) The Triangle Regional Calling Plan to include:

- Seven Digit Dialing
- 50% reduction in toll charges
- Regional white pages directory
- Inward call option (allows customer to receive calls from throughout the region at no charge to the calling party) - optional
- Low Use Plan available - optional
- Continuation of optional plans for reduced monthly rates for low-income families and subscribers who make a limited number of calls within the local exchange area where they reside.

(b) Orange County Flat-Rate, Toll-Free Extended Area Service Plan to existing service in exchanges that serve inside Orange County to include the portion of Chapel Hill in Durham County, Research Triangle Park and Raleigh-Durham International Airport with rates to be set by the N.C. Utilities Commission consistent with the Commission's rate-setting policies.

(c) The N.C. Utilities Commission submit EAS flat rates to a poll of the customers who would be affected by the rate changes.

(d) That monthly charges for flat-rate extended area service should include equipment costs and should not include recovery of toll revenue.

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 22nd day of January,

1991:

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

Noes: Hilliard Caldwell

Absent or Excused: None

REPORT ON SKATEBOARDING IN STREETS AND PARKS

Lyle Landsdale, 301 E. Poplar Avenue resident, approached the Board of Aldermen upon learning that skateboarding on public streets was prohibited by town ordinance. The matter was referred to the Parks and Recreation Commission for its consideration and recommendation.

Richard Kinney, Recreation and Parks Director, informed the Board of Aldermen that upon consideration of this matter, the Commission determined that three areas should be evaluated when analyzing this issue. The areas were:

1. Concern with the concept of "play streets" as defined by Section 6-12 of the Town Code.
2. Concern with the prohibition of this type of activity excluded on roadways under Section 6-28(a) of the Town Code.
3. Feasibility of providing this type of facility in the public parks system.

Ms. Landsdale addressed the Board stating that skateboarding is an activity that many children participate in and having a place for this activity to transpire is needed. Ms. Landsdale stated that the illegality of this activity transpiring in the street needs re-consideration.

It was the consensus of the Board of Aldermen that the Town Attorney and Police Department Chief reword Section 6-28 of the Town Code to eliminate the prohibition of skateboarding, roller skating, etc. and disallow impeding vehicular traffic on town roadways and streets. The rewording of Section 6-28 of the Town Code is to be presented to the Board of Aldermen for review.

ANNUAL REPORT/PARKS AND RECREATION COMMISSION

Doris Murrell, Chairman of the Recreation and Parks Commission, presented the annual report on the activities of the Recreation and Parks Commission during the past year.

APPOINTMENT TO ADVISORY BOARDS

MOTION WAS MADE BY RANDY MARSHALL AND DULY SECONDED BY JACQUELYN GIST THAT THE FOLLOWING APPOINTMENTS BE MADE TO THE REFERENCED BOARDS, COMMISSIONS, AND/OR COMMITTEES:

Board of Adjustment

Allen Spalt
Errol McCauley
Wendy Love

Planning Board

Robin Lackey

Appearance Commission

Ann Leonard
Dan Leonard

Transportation Advisory Board

Dazzie Lane

Parks & Recreation Commission

Doris Murrell

Dave Griffiths
David Eierman
James Kempe

Cable T.V. Committee
Clark Lohse
Catherine Peele

Human Services Commission
John Rintoul
Michael Russell
Anna Marie Smendziuk
Jeanne Duggan

Cemetery Committee
Cleo Perry

Downtown Development Commission
Charles Ward

VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Jay Bryan.

**A RESOLUTION REQUESTING AN APPOINTMENT TO AN
EXTRATERRITORIAL SEAT ON THE CARRBORO PLANNING BOARD**

Resolution No. 25/90-91

WHEREAS, as a result of a term expiration, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's extraterritorial planning jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to re-appoint the following individual to an out-of-town seat on the Carrboro Planning Board:

Mr. Toy Cheek, 831 Old Fayetteville Road
Chapel Hill, N.C. 27516

to the out-of-town seat expiring in February, 1994.

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 22nd day of January, 1991:

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

Noes: None

Absent or Excused: None

PRELIMINARY DRAFT/OFFICE AND OFFICE/ASSEMBLY ZONING DISTRICTS ORDINANCE

Julia Trevarthen, Senior Planner, made the staff presentation stating that it is a draft version of the ordinance creating the Office and Office/Assembly zoning districts.

MOTION WAS MADE BY JAY BRYAN AND DULY SECONDED BY FRANCES SHETLEY THAT THE DRAFT ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CREATE THE OFFICE (O) AND OFFICE/ASSEMBLY (O-A) ZONING DISTRICTS", BE REFERRED TO THE PLANNING BOARD FOR THEIR REVIEW AND RECOMMENDATION WITH THE FOLLOWING CHANGE TO SECTION 2:

(9) O Office. This district is intended to provide locations for low intensity office and institutional uses. This district is designed for parcels three (3) acres or less in size. It is intended and desired that existing residential structures within the district be converted and adapted to office or institutional use rather than new buildings constructed. In order to assure compatibility of residential conversions or new office construction with existing and future residential development, specific performance measures to mitigate negative impacts of office development will be required. Any development within the Office (O) district shall comply with the following requirements: ...

VOTE: AYES 5 (Marshall, Kinnaird, Shetley, Gist, Bryan); NOES 2 (Gurganus, Caldwell); ABSENT/EXCUSED 0.

PERSONNEL ORDINANCE AMENDMENTS

Mr. Morgan made a presentation to the Board of Aldermen which was the result of a study done regarding the Town's current policy for military leave and health insurance benefits for retirees. After conferring with local governments in the Triangle area and with insurance companies for information on health benefits for retirees, the Administration has developed new policies which broaden the Town's current provisions for military leave and create new benefits for retired employees.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE BOARD ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN CODE (PERSONNEL POLICIES) TO CLARIFY THE SALARY AND BENEFIT PROVISIONS OF THE ORDINANCE RELATING TO MEMBERS OF THE ARMED FORCES RESERVE OR NATIONAL GUARD WHO ARE CALLED TO ACTIVE DUTY. VOTE: AFFIRMATIVE ALL.

The Board requested that staff survey UNC and the State on their policies relating to providing health insurance benefits for retirees and prepare a report on the cost impact to the town and that the town attorney revise the ordinance relating to health insurance for retirees to include language to protect the town when a retiree obtains employment following retirement from the town.

CANCELLATION OF FEBRUARY 05, 1991 MEETING

It was the consensus of the Board to cancel its regular meeting scheduled for February 05, 1991.

REPORT ON VISITOR'S CENTER

Mayor Kinnaird requested that Alderman Marshall present a report on the Visitor's Center at the Board of Aldermen's meeting scheduled for February 12, 1991.

REPORT ON CCC

Mayor Kinnaird informed the Board of Aldermen that she had requested that the next meeting of the CCC be an open session with the Carrboro Board of Aldermen.

AIRPORT SITE SELECTION COMMITTEE

The Board of Aldermen requested that the Town Manager investigate the charge of the Airport Site Selection Committee to determine whether members of the Committee will have voting authority.

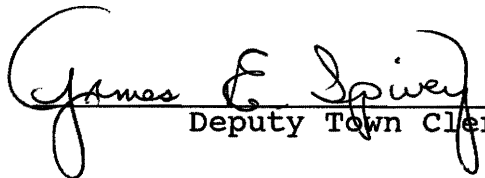
PTA THRIFT SHOP BIKEPATH

The Board of Aldermen requested that the Town Attorney begin discussions with the PTA Thrift Shop for the bikepath easement.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL.



Mayor



Deputy Town Clerk