

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 12, 1991 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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|---------------|---------------------|
| Mayor | Eleanor Kinnaird |
| Aldermen | Randy Marshall |
| | Tom Gurganus |
| | Hilliard Caldwell |
| | Frances Shetley |
| | Jacquelyn Gist |
| | Jay Bryan |
| Town Manager | Robert W. Morgan |
| Town Clerk | Sarah C. Williamson |
| Town Attorney | Michael Brough |

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE MINUTES OF JANUARY 22, 1991 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Pro Tem Hilliard Caldwell read a proclamation proclaiming the month of February, 1991 as Black History Month.

CHARGE ISSUED TO NEW BOARD APPOINTEE

The Town Clerk issued a "charge" to Michael Russell, a recent appointee to the Human Services Commission.

SOLAR DAY

Marti Mandell read a resolution requesting that a special day be set aside when friends and neighbors come together to celebrate the sun, with food and games and demonstrations of solar power, and that the day be called Solar Day.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE TOWN STAFF OFFER ADVICE AND COUNSELING UPON REQUEST TO THE SOLAR DAY COMMITTEE IN ORGANIZING THE SOLAR DAY CELEBRATION. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW RESTAURANTS WITH DRIVE THROUGH WINDOWS IN B-1(C) ZONING DISTRICT WITH A CONDITIONAL USE PERMIT

The administration requested that a public hearing be set for February 26, 1991 to consider a proposed amendment to the Land Use Ordinance which would allow restaurants with drive through windows in the B-1(c) zoning district with a conditional use permit. In addition, the administration requested that the Board of Aldermen refer this proposed amendment to the Planning Board, Transportation Advisory Board and Downtown Development Commission for review and recommendations.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SET FOR FEBRUARY 26, 1991 AND THAT THIS PROPOSED AMENDMENT BE REFERRED TO THE PLANNING BOARD, TRANSPORTATION ADVISORY BOARD AND DOWNTOWN DEVELOPMENT COMMISSION FOR REVIEW AND RECOMMENDATION. VOTE: AFFIRMATIVE ALL

POLICY ON USE OF TOWN COMMONS

Mike Brough explained an administrative policy dealing with use of the Town Commons area located adjacent to the Town Hall. Mr. Brough also presented a proposed amendment to Chapter 14 of the Town Code to clarify that a reservation system for town property may be established by administrative policy not only with respect to recreational facilities but also for other town property.

The Board suggested changes to the administrative policy.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CARRBORO TOWN CODE, SECTION 14 - TOWN PROPERTY", BE ADOPTED. VOTE: AFFIRMATIVE ALL

REPORT AND RESOLUTION/HIGHWAY 54 WIDENING FROM THE CARRBORO CITY LIMITS TO THE I-85/40 INTERSECTION IN GRAHAM

Sarah Burdick, Transportation Planner, presented a brief report on the proposed widening of Highway 54 and requested that the Board of Aldermen adopt a resolution opposing the proposed widening project.

The following ordinance was introduced by Alderman Frances Shetley and duly seconded by Alderman Jay Bryan.

A RESOLUTION OPPOSING R-2538, RIGHT OF WAY PROTECTION
FOR THE WIDENING OF NC 54
FROM I-40/85 IN BURLINGTON TO THE NC 54 BYPASS
Resolution No. 30/90-91

WHEREAS, the proposed project would duplicate the route that the recently built I-40 provides; and

WHEREAS, the project would entice cars and large trucks to use NC 54 as a short cut through Carrboro to connect with I-40 east of town; and

WHEREAS, the project will cause negative environment consequences including loss of forest land, agricultural land, and disruption of natural habitats; and

WHEREAS, the project will erode the integrity of the Inn at Bingham School, which is listed on the National Register of Historic Places; and

WHEREAS, the project bisects the southern tip of Cane Creek watershed and traverses the middle of University Lake watershed, and will increase significantly the amount of impervious surface area in these watersheds; and

WHEREAS, the project will cause increased noise levels in Carrboro's high density, residential areas along 54 Bypass.

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

Section 1. The Board of Aldermen opposes the proposal to widen NC 54 from I-40/85 in Burlington to the Bypass (R-2538).

Section 2. The Board of Aldermen requests that this project be removed from the Transportation Improvement Program.

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 12th day of February, 1991:

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

Noes: None

Absent or Excused: None

JONES FERRY ROAD/WILLOW CREEK DRIVEWAY ACCESS

Roy Williford, Planning Director, stated that the administration recommended that the Board of Aldermen adopt a resolution requesting that N.C. DOT install a traffic light at the Old Fayetteville Road/Jones Ferry Road intersection and not construct a traffic island on Jones Ferry Road at the Willow Creek Shopping Center.

Charlie Nelson, representing Carolina Cleaners, stated that the merchants of Willow Creek Shopping Center were opposed to construction of a median at the Burger King entrance/exit to the shopping center, and would favor installation of a traffic signal at the intersection of Old Fayetteville and Jones Ferry Road to slow traffic down.

Alex Zaffron, Chair of the Transportation Advisory Board, stated that the TAB had considered this matter at its last meeting without the knowledge of the

town's staff's recommendation. The TAB recommended that the Board of Aldermen request NCDOT re-examine its solution to the Willow Creek access with an eye to coming up with a solution which is less detrimental to the economic well being of Willow Creek. The re-examination should include examining the possibility of a light at the main entrance and that being the only entrance out of or into which left turns can be made.

Alderman Shetley recommended that the town request that NCDOT install traffic signals at the Burger King entrance to the shopping center in addition to the light at the intersection of Old Fayetteville and Jones Ferry Roads.

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

A RESOLUTION REQUESTING NCDOT TO INSTALL A TRAFFIC SIGNAL
AT JONES FERRY ROAD AND OLD FAYETTEVILLE ROAD
AND NOT CONSTRUCT THE ISLAND ON JONES FERRY ROAD
AS PROPOSED IN THE U-2003 PROJECT
Resolution No. 31/90-91

WHEREAS, the Carrboro Board of Aldermen has received letters of concern regarding the proposed island on Jones Ferry Road in front of Willow Creek;

WHEREAS, the Carrboro Board of Aldermen has requested a traffic signal at Jones Ferry Road and Old Fayetteville Road to improve the safety of the intersection several times in the past;

WHEREAS, the major traffic problem is traffic coming into town on Jones Ferry Road at high speeds;

WHEREAS, a traffic signal at this intersection will help to control traffic in front of the shopping center by providing a break in traffic to allow for left turns onto Jones Ferry Road and by reducing the speed along this stretch of road;

WHEREAS, the comments received from the Willow Creek tenants recognized NCDOT's concern for traffic control and safety;

WHEREAS, the Town of Carrboro recognizes that if this configuration is not acceptable in the future, this situation will be reviewed by NCDOT and the town.

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

Section 1. The Board of Aldermen requests that the island on Jones Ferry Road in front of Willow Creek Shopping Center not be included as part of the U-2003 project.

Section 2. The Board of Aldermen requests that a traffic signal be installed at the intersection of Jones Ferry Road and Old Fayetteville Road as part of the U-2003 project.

Section 3. The Board of Aldermen remains extremely concerned with the safety issues associated with the ingress and egress at the Burger King entrance to Willow Creek Shopping Center and it is the Board's wish that NCDOT address these safety issues as soon as possible in light of the Board's requests listed in Sections 1 and 2 of this resolution.

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 12th day of February, 1991:

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

Noes: Frances Shetley

Absent or Excused: None

SELECTION OF DATES FOR 1991 JOINT PLANNING PUBLIC HEARINGS

The administration requested that the Board select possible dates in May and October, 1991 for the two annual joint planning public hearings.

It was the consensus of the Board to request that the public hearings be held on either May 1st or May 2nd and October 10th or 24th.

APPOINTMENT TO TRANSPORTATION ADVISORY BOARD

The chair of the Transportation Advisory Board requested that Catherine Peele be appointed to the vacant seat on the TAB.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT CATHERINE PEELE BE APPOINTED TO THE VACANT SEAT ON THE TRANSPORTATION ADVISORY BOARD.
VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to encourage Mrs. Peele to remain on the Cable T.V. Committee as well as serving on the TAB.

ANNUAL FIREWORKS DISPLAY

Mr. Morgan stated that concern over the fireworks display held at Town Hall as part of the July 4th Celebration prompted the Parks & Recreation Commission and the Board of Aldermen to request that the administration consider other possible sites and explore the possibility of inter-governmental sponsorship of the event. Mr. Morgan stated that the Chapel Hill and Orange County manager's had expressed interest in several sites. It was determined that the Kenan Stadium site on the UNC campus offers the safest alternative. Mr. Morgan stated that the Community Park site was ruled out because it does not provide available distances to have a controlled viewing area and provide for a safe zone to shoot the aerial fireworks. In addition, traffic and parking difficulties were considered dangerous at this site.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF NORTH CAROLINA, THE TOWN OF CHAPEL HILL AND ORANGE COUNTY TO PROVIDE FOR THE FIREWORKS DISPLAY TO BE HELD AT KENAN STADIUM ON JULY 4, 1991. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (KINNAIRD)

REPORT ON ORANGE COUNTY VISITOR'S CENTER

Alderman Marshall presented a report on the proposal to establish a Visitor's Center for Orange County.

RESOLUTION SUPPORTING LEGISLATION TO AUTHORIZE COLLECTION OF SALES TAXES ON INTERSTATE MAIL ORDER SALES

Mayor Kinnaird requested that the Board consider adoption of a resolution supporting federal legislation to authorize the collection of sales taxes on interstate mail order sales.

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

A RESOLUTION SUPPORTING FEDERAL LEGISLATION TO AUTHORIZE
THE COLLECTION OF SALES TAXES ON INTERSTATE MAIL ORDER SALES
Resolution No. 29/90-91

WHEREAS, a 1967 ruling by the U.S. Supreme Court eliminated the requirement of out-of-state sellers to collect sales taxes on merchandise delivered to in-state residents; and

WHEREAS, the direct sales tax revenue loss associated from this ruling for North Carolina is estimated to be \$47.3 million per year; and

WHEREAS, it is estimated that mail order sales now make up some 14% of sales nationwide and are expected to increase to 21% by 1991; and

WHEREAS, local merchants who must collect a sales tax on merchandise are being discriminated against by competing against mail order firms who escape having to collect this tax; and

WHEREAS, due to the loss of Federal Revenue Sharing and reductions in other federal grant programs, cities are continually facing the need to raise taxes to continue providing basic city services; and

WHEREAS, Congress is considering legislation that would impose collection of sales tax on mail order firms which could, it is estimated, generate an additional 11 to 12% increase in sales tax revenues to each North Carolina municipality.

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

Section 1. The Board of Aldermen supports a fair method of collecting sales tax from all vendors doing business in North Carolina, be it from interstate sales or local vendors.

Section 2. The Board of Aldermen supports legislation which would allow collection of sales tax from interstate sales through the state-local compromise agreement arrived at in 1988.

Section 3. The Board of Aldermen requests the congressional delegation from the State of North Carolina to support the enactment of legislation that would require mail order firms to collect sales tax on interstate mail order sales.

Section 4. The Board of Aldermen requests that a certified copy of the resolution be sent to Congressman David Price, U.S. Senators Jesse Helms and Terry Sanford, the Chapel Hill/Carrboro Chamber of Commerce and the Carrboro Business Association.

Section 5. The Board of Aldermen requests that the sales tax collected on interstate mail order sales for each state be earmarked for use by the municipalities in that state.

Section 6. 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 12th day of February, 1991:

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

Noes: Randy Marshall, Hilliard Caldwell

Absent or Excused: None

APPOINTMENT TO JOCCA BOARD OF DIRECTORS

Mr. Morgan informed the Board that Orange County had requested that the town appoint a representative to serve on the JOCCA Board of Directors.

It was the consensus of the Board to request that the town staff provide additional information to it concerning this appointment.

REPORT ON CHARGE FOR AIRPORT SITE SELECTION COMMITTEE

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS TO AUTHORIZE THE TOWN MANAGER TO SERVE AS A LIAISON BETWEEN THE BOARD OF ALDERMEN AND THE AIRPORT WORK GROUP AND REPORT BACK TO THE BOARD PERIODICALLY ON THIS WORK GROUP. VOTE: AFFIRMATIVE ALL

OWASA REPRESENTATIVE

It was the consensus of the Board to request the town staff to contact Hank Anderson to determine whether he wishes to be considered for re-appointment to as one of the town's representatives on the OWASA Board of Directors.

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

Jack C. Williamson
Town Clerk

Eleanor J. Kinnaird
Mayor