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Regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 18, 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 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 JUNE 4 AND 11, 1991 BE APPROVED. VOTE: AFFIRMATIVE ALL

CHARGE AND OATH OF OFFICE ISSUED TO NEW BOARD APPOINTEES

The Town Clerk issued an oath of office to Rodney Wolfard, a recent appointee to the Board of Adjustment, and a charge to Christine Taylor, a recent appointee to the Human Services Commission.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/NON-CONFORMING USES

This was a public hearing to consider a proposed amendment to the Land Use Ordinance which would allow properties where a nonconforming use had been discontinued for one year or more to be used again for the same nonconforming purposes under some circumstances without requiring a text amendment. The administration recommended adoption of the proposed amendment.

Julia Trevarthen, the town's Senior Planner, explained the proposed amendment.

Dr. Jim Manor, Chair of the Planning Board, stated that the Planning Board recommended adoption of the proposed amendment with the following addition: That the "permit issuing authority" should be specified in the proposed ordinance so the general public will know who/whom that "permit-issuing authority" is.

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

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW PROPERTY WHERE A NONCONFORMING USE HAS BEEN DISCONTINUED FOR ONE YEAR OR MORE TO BE USED AGAIN FOR THE SAME NONCONFORMING PURPOSES UNDER SOME CIRCUMSTANCES," BE ADOPTED. VOTE: AFFIRMATIVE ALL

SPRING VALLEY HOMEOWNERS' REQUEST FOR DEDICATION OF STREETS

Chris Peterson, the town's Public Works Director, stated that the administration recommended that Rock Spring Court, Waterside Drive, Spring Valley Road, and Creekview Circle be accepted by the Town of Carrboro only if these streets are improved to meet the current town standards. Specifically, the following requirements would have to be met:

1. A sidewalk on at least one side of all of these streets is required.
2. The pavement will need to be tested in ten areas to determine the base and thickness.
3. The current wooden street signs will need to be replaced with the town's standard metal signs when replacement is needed.

4. The Homeowners' Association will be responsible for submitting a 15-month warranty bond to ensure that any defects relating to the stormwater or street construction will be repaired.

5. A new plat will need to be recorded with the Orange County Register of Deeds and a deed description of the right-of-way to be transferred to the town and as-built drawings will need to be submitted to the town.

6. All 4 streets, with the exception of Rock Spring Court between Stations 2+00 and 4+00, are in good to satisfactory condition. In this section of road, approximately 80 linear feet of 2-foot wide valley curb and gutter and a portion of the asphalt need replacement.

7. Approximately 30 linear feet of pipe must be re-laid at the drainage structure #24 on Waterside Drive, near Station 12+95 to obtain positive drainage.

8. All storm drain catch basins need to be inspected and cleaned and the wood construction forms should be removed.

9. A statement of certification certifying that these streets were built in accordance with the town's construction standards must be submitted to the town by a registered engineer.

10. An indemnity statement releasing the town from any responsibility associated with the pond and its dam must be submitted to the town by the Homeowners' Association.

11. The Homeowners' Association will need to submit a letter requesting acceptance of the streets.

William Robbins, a resident of 508 Waterside Drive, questioned the necessity for the sidewalks and requested a redefinition of collector roads to local roads.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO PURSUE ACCEPTANCE OF THE SPRING VALLEY SUBDIVISION STREETS WITH THE 11 REQUIREMENTS SET FORTH BY THE TOWN STAFF AND FOLLOWING THE PAVEMENT TESTING, THAT A SIDEWALK INSTALLATION SCHEDULE BE BROUGHT BACK TO THE BOARD OF ALDERMEN FOR CONSIDERATION AT THE TIME THE BOARD CONSIDERS ACCEPTANCE OF THE STREETS. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (CALDWELL, GURGANUS, BRYAN)

AWARD OF BID/CARR MILL BIKE PATH

Pursuant to the Board's request, the administration advertised for bids for the Carr Mill Bike Path. These bids were presented to the Board on May 14, 1991. At that meeting, the Board deferred action on awarding the bid until tonight's meeting.

The administration recommended that the Board of Aldermen not proceed with the Carr Mill Bike Path project for the following reasons: (i) the bike path is not an essential expenditure item; and (ii) the funds earmarked for the bike path could serve as additional reserve, backing up the general fund balance.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY TOM GURGANUS THAT THE TOWN NOT PROCEED WITH THIS PROJECT BASED ON THE FACT THAT THE BID AMOUNT IS ABOVE THE PROJECT COST AUTHORIZED IN THE BOND REFERENDUM. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (GIST, KINNAIRD, MARSHALL)

COMMUNITY CENTER BOND ISSUE RESOLUTIONS

At its meeting on May 21, 1991, the Board of Aldermen voted to proceed with a November, 1991 bond referendum for the citizens to vote on whether or not to sell bonds to raise funds for a community center. In following with the approved time schedule and to meet Local Government Commission regulations, the administration recommended adoption of a resolution providing for publication of notice of intent to file an application with respect to \$2,150,000 public improvement bonds with the Local Government Commission, and a resolution stating the intent of the Board to make application to the Local Government Commission for permission to issue general obligation bonds to finance the construction of a community recreation center facility.

The following resolution was introduced and its title was read:
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RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF INTENT
TO FILE APPLICATION WITH RESPECT TO
\$2,150,000 PUBLIC IMPROVEMENT BONDS WITH
THE LOCAL GOVERNMENT COMMISSION
Resolution No. 51/90-91

WHEREAS, this Board of Aldermen (the Board) has determined the necessity for a community recreation center facility to be financed by a bond issue and has tentatively decided to pursue the issuance of public improvement bonds in the maximum aggregate principal amount of \$2,150,000 under The Local Government Bond Act (the Act) to finance, in part, the acquisition, construction, installation and equipping of such community center; and

WHEREAS, under the Act the issuance of such bonds must be approved by the Local Government Commission and pursuant to NCGS 159-50 of the Act, a notice of the intention to file an application with the Local Government Commission must be published prior to filing of the application.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro, North Carolina, (the Town) meeting in regular session at Carrboro, North Carolina, on June 18, 1991, do the following:

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1. The Clerk to the Board shall cause the notice, in substantially the form set forth below, to be published in The Chapel Hill Newspaper:

[FORM OF NOTICE]

NOTICE OF INTENTION TO FILE AN APPLICATION WITH
LOCAL GOVERNMENT COMMISSION CONCERNING THE TOWN OF
CARRBORO \$2,150,000 PUBLIC IMPROVEMENT BONDS

Notice is hereby given that the Board of Aldermen of the Town of Carrboro, North Carolina (the Board) intends to file an application with the Local Government Commission (the Commission) for approval of a bond issue pursuant to the Local Government Bond Act (NCGS 159-43 et seq.). It is proposed that the bonds be general obligations of the Town in the maximum aggregate principal amount of \$2,150,000 and be issued to finance, in part, the acquisition, construction, installation and equipping of a community recreation center facility in the Town. Any citizen or taxpayer of the Town may, within seven days after the date of publication of this notice, file with the Board and the Commission a written statement of any objections he or she may have to the bond issue at the following addresses:

Mrs. Sarah C. Williamson
Clerk to the Board of Aldermen
Town of Carrboro
Carrboro, N.C. 27510

and

Mr. Robert M. High, Secretary
Local Government Commission
325 North Salisbury Street
Raleigh, N.C. 27611

Pursuant to NCGS 159-50, any such statement should set forth each objection and contain the name and address of the person filing it.

TOWN OF CARRBORO
BOARD OF ALDERMEN

By: /s/ Sarah C. Williamson
Clerk to the Board of Aldermen

2. This resolution shall take effect immediately.

Alderman Randy Marshall moved the passage of the foregoing resolution and Alderman Jacquelyn Gist seconded the motion, and the resolution was passed by the following vote:

Ayes: Randy Marshall, Hilliard Caldwell, Eleanor Kinnaird, Jacquelyn Gist

Not Voting: None

The following resolution was introduced by Randy Marshall and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION STATING THE INTENT OF THE CARRBORO BOARD OF ALDERMEN TO MAKE APPLICATION TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR PERMISSION TO ISSUE GENERAL OBLIGATION BONDS TO FINANCE THE CONSTRUCTION OF A COMMUNITY RECREATION CENTER FACILITY (Resolution No. 52/90-91)

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board hereby expresses its intent to file an application with the North Carolina Local Government Commission for approval of the following general obligation bond issue:

- a. The issue, in a maximum amount of \$2,150,000, is to provide funding for a community recreation center to finance in part, the land for, the acquisition, construction, installation and equipping of such community recreation center.

Section 2. That the amount of public improvement bonds proposed to be issued is both adequate and not excessive for the purpose for which said bonds are proposed to be issued.

Section 3. That the Board of Aldermen hereby finds that the Town of Carrboro maintains a debt management policy in accordance with applicable law.

Section 4. That the Board of Aldermen hereby finds that the budgetary and fiscal management policies of the Town of Carrboro are in accordance with applicable law.

Section 5. That in order to pay the debt service on the proposed \$2,150,00 community recreation center bonds that taxes shall be levied as necessary in an amount sufficient to pay both the principal and interest on the proposed bonds.

Section 6. The town manager, Mr. Robert W. Morgan, shall be the town's authorized representative to sign the application to the Local Government Commission and any other documents required in connection with the proposed bond issues.

Section 7. The town shall retain the law firm of Hunton & William as bond counsel in connection with the proposed bond issues.

Section 8. 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 18th day of June, 1991:

Ayes: Randy Marshall, Hilliard Caldwell, Eleanor Kinnaird, Jacquelyn Gist

Noes: Tom Gurganus, Frances Shetley, Jay Bryan

Absent: None

TOWN CODE AMENDMENT PROHIBITING BEGGING OR PANHANDLING ON TOWN STREETS, SIDEWALKS AND BIKEWAYS

In response to a request from the Police Department, the Town Attorney prepared an ordinance amending the Town Code to prohibit begging or panhandling on town streets, sidewalks and bikeways. The administration recommended adoption of the proposed ordinance.

Capt. Ben Callahan stated that the Police Department had asked the Town Attorney to draft this ordinance in response to complaints from citizens and merchants in the downtown area.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROHIBIT BEGGING OR PANHANDLING ON TOWN STREETS, SIDEWALKS AND BIKEWAYS," BE ADOPTED. VOTE: AFFIRMATIVE TWO, NEGATIVE FIVE (MARSHALL, GURGANUS, KINNAIRD, GIST, BRYAN)

It was the consensus of the Board to refer this matter to the Downtown Development Commission and Carrboro Business Association for their review and recommendations to determine if the proposed ordinance is an appropriate way to proceed with this matter.

APPOINTMENT TO CABLE T.V. COMMITTEE

The Chair of the Cable T.V. Committee recommended that Harry Petersen be appointed to the Cable T.V. Committee to serve as Carolina Cable's representative.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT HARRY PETERSEN BE APPOINTED TO THE CABLE T.V. COMMITTEE. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT/HEALTH INSURANCE FOR RETIREES OVER AGE 65

In response to the Board of Aldermen's request on May 21, 1991, the Town Attorney prepared two ordinances amending the Town Code to provide health insurance benefits for long-term town employees who have retired and who have reached the age of 65. The administration recommended adoption of Alternative #2.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN CODE (PERSONNEL POLICIES) TO PROVIDE HEALTH INSURANCE BENEFITS FOR LONG-TERM TOWN EMPLOYEES WHO HAVE APPLIED TO DRAW BENEFITS UNDER ONE OF THE AVAILABLE RETIREMENT OPTIONS," (ALTERNATIVE #2) BE ADOPTED. VOTE: AFFIRMATIVE ALL

AWARD OF AUDIT CONTRACT FOR FY'90-91

The administration recommended that the Board award the contract for the 1990-91 audit to Deloitte and Touche for a total cost of \$19,700.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE CONTRACT FOR THE 1990-91 AUDIT BE AWARDED TO DELOITTE AND TOUCHE FOR A TOTAL COST OF \$19,700. VOTE: AFFIRMATIVE ALL

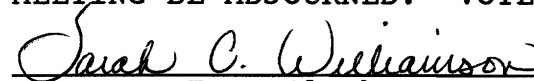
Aldermen Marshall and Caldwell expressed their desire to have the town staff solicit bids for the 1991-92 audit.


APPOINTMENT OF TOWN REPRESENTATIVE TO ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION

Mr. Morgan informed the Board that the town had been notified that Braxton Foushee's term on the Orange County Economic Development Commission was due to expire on June 30, 1991. Mr. Morgan stated that the Town Clerk had contacted Mr. Foushee and was told that he was interested in being re-appointed to this position.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT BRAXTON FOUSHEE BE RECOMMENDED TO THE ORANGE COUNTY COMMISSIONERS FOR RE-APPOINTMENT AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION. VOTE: AFFIRMATIVE ALL

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


Town Clerk


Mayor