

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 11, 1992 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

MOMENT OF SILENCE

Mayor Kinnaird requested everyone to stand and observe a moment of silence for Mrs. Mary Caldwell, the late wife of Alderman Hilliard Caldwell.

Alderman Caldwell extended his "thanks" to everyone for their support and sympathy extended to his family during their time of bereavement.

APPROVAL OF MINUTES

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF JUNE 23, 1992 BE APPROVED. VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING SET/CONDITIONAL USE PERMIT REQUEST/ORANGE-CHATHAM COMPREHENSIVE HEALTH SERVICES

The administration requested that a public hearing be scheduled for August 25, 1992 on a conditional use permit request that would allow the construction of a 10,200 square foot building to accommodate the Orange-Chatham Comprehensive Health Services, Inc. The parcel is identified as part of Tax Map 93, Block E, Lot 1; and is located at 400 Lloyd Street.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SCHEDULED FOR AUGUST 25, 1992. VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING SET/CONDITIONAL USE PERMIT REQUEST/CARRBORO MIDDLE SCHOOL

The administration requested that a public hearing be scheduled for September 01, 1992 on a conditional use permit request that would allow the construction of a Middle School with associated facilities on 40.6 acres. The parcel is identified as part of Tax Map 108, Lot 31A and is zoned R-20.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 01, 1992. VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING SET/LAND USE ORDINANCE TEXT AMENDMENT CLARIFYING WHICH AGENCIES APPROVE INDIVIDUAL ON-SITE SEPTIC OR ALTERNATIVE DISPOSAL SYSTEMS

The administration requested that a public hearing be scheduled for September 01, 1992 on a proposed amendment to the Land Use Ordinance which would clear up confusion among land use permit applicants concerning which agencies may approve individual on-site septic or alternative disposal systems for properties located in the University Lake Watershed.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 01, 1992. VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING SET/VOLUNTARY ANNEXATION OF THE WEXFORD SUBDIVISION PHASE I

The administration requested that a public hearing be scheduled for August 25, 1992 on a petition for annexation of Phase I of the Wexford Subdivision. Phase I is non-contiguous to the Town of Carrboro and is located south of

Homestead Road and north of the town limits running along the Barrington²⁹³ Hills and Cobblestone subdivisions. Phase I contains 16.99 acres and 18 lots.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
ANNEXATION OF THE WEXFORD SUBDIVISION: PHASE I UPON THE
REQUEST OF THE PROPERTY OWNERS
Resolution No. 1/92-93**

WHEREAS, the Town of Carrboro has received a petition from the Wexford Group, Inc. requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen shall hold a public hearing on August 25, 1992 to consider the voluntary annexation of the Wexford Subdivision: Phase I.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Newspaper at least ten (10) days prior to the date of the public hearing.

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 11th day of August, 1992.

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

NOES: None

ABSENT/EXCUSED: None

PUBLIC HEARING SET/VOLUNTARY ANNEXATION OF WEATHERHILL POINTE, PHASE III

The administration requested that a public hearing be scheduled for August 25, 1992 on a petition for annexation of Phase I of the Wexford Subdivision. Phase I is non-contiguous to the Town of Carrboro and is located south of homestead Road and north of the town limits running along the Barrington Hills and Cobblestone subdivisions. Phase I contains 16.99 acres and 18 lots.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
ANNEXATION OF WEATHERHILL POINTE, PHASE III UPON THE
REQUEST OF THE PROPERTY OWNERS
Resolution No. 5/92-93**

WHEREAS, the Town of Carrboro has received a petition from Scott Kovens requesting that Weatherhill Pointe, Phase III be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen shall hold a public hearing on August 25, 1992 to consider the voluntary annexation of the Weatherhill Pointe, Phase III.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Newspaper at least ten (10) days prior to the date of the public hearing.

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 11th day of August, 1992:

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

NOES: None

ABSENT/EXCUSED: None

ORDINANCE AMENDING CHAPTER 13 OF THE TOWN CODE PROHIBITING RECREATIONAL ACTIVITIES ON TOWN CEMETERY PROPERTY

Chris Peterson, Public Works Director, addressed the Board stating that at the Board's May 12, 1992 meeting, the administration presented a proposed subsection addition to Section 13-2 of the Town Code. The Board referred the proposed addition to the Cemetery Committee for review and response to concerns regarding picnicking, prohibiting dogs, cats and other animals, and distinguishing between developed and undeveloped areas within Westwood Cemetery. Mr. Peterson reviewed the Cemetery Committee's recommendations and the proposed ordinance amending Chapter 13 of the Carrboro Town Code.

There was discussion by the Board to allow picnicking on cemetery property for cultural reasons.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL TO APPROVE THE ORDINANCE AMENDING CHAPTER 13 OF THE TOWN CODE WITH THE FOLLOWING ADDITION:

1. Section 13-4(f) should read, "...activities, running or jogging, walking dogs, cats or other animals, allowing dogs, cats, or other animals to run at large, picnicking be prohibited except for family and friends of the decease in the cemetery, and other similar activities inconsistent with the use of a cemetery as a cemetery." VOTE: AYES 3 (Marshall, Kinnaird, Gist); NOES 4 (Gurganus, Caldwell, Shetley, Bryan); ABSENT/EXCUSED 0.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY FRANCES SHETLEY TO APPROVE THE ORDINANCE AMENDING CHAPTER 13 OF THE TOWN CODE REGARDING RECREATIONAL ACTIVITIES ON TOWN CEMETERY PROPERTY. VOTE: AYES 5 (Marshall, Gurganus, Caldwell, Shetley, Bryan); NOES 2 (Kinnaird, Gist), ABSENT/EXCUSED 0.

ACCESS TO POTENTIAL SITES FOR A NEW LANDFILL

Chris Peterson, Public Works Director, reviewed a resolution which would authorize the Town of Chapel Hill to exercise its authority to enter upon private lands for the purpose of conducting surveys, borings, examinations and appraisals to assist in the selection of a site for a new landfill and approving an interlocal agreement for the exercise of that authority.

Mr. Gillespie, attorney for a property owner, distributed information to the Board of Aldermen regarding methods of testing for the proposed sites.

There was discussion by the Board regarding the information distributed by Mr. Gillespie.

Board members questioned whether the staff, Joyce engineering, the Landfill Search Committee, and the Landfill Owners Group had received the information distributed by Mr. Gillespie.

Mr. Gillespie stated that he had not given the information to staff but the Landfill Search Committee and the Landfill Owners Group had received the information.

Alderman Marshall voiced concerned that it would be inappropriate for the Aldermen to intervene in this site selection process now. Alderman Marshall stated that the only action being asked of the Board was to approve the interlocal agreement which would authorize the Town of Chapel Hill to exercise its authority to enter upon private land for the purpose of conducting surveys, boring's examinations and appraisals. Alderman Marshall stated that the information Mr. Gillespie distributed should have been given

to the members to the Landfill Search Committee and the Landfill Owners Group.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY HILLIARD CALDWELL TO DELAY ACTION ON THIS MATTER UNTIL THE COUNTY COMMISSIONERS MAKE A RECOMMENDATION AND UNTIL THE LANDFILL SEARCH COMMITTEE, JOYCE ENGINEERING, AND STAFF MAKE A DETERMINATION AS TO THE VALIDITY AND FEASIBILITY OF THE METHODS PROPOSED BY MR. GILLESPIE. VOTE: AYES 5 (CALDWELL, KINNAIRD, SHETLEY, GIST, BRYAN); NOES 2 (MARSHALL, GURGANUS)

The Board requested that the Landfill Search Committee meeting schedule be published in the NOTEBOARD.

GOALS AND OBJECTIVES FOR THE LANDFILL OWNERS GROUP

Chris Peterson, Public Works Director, reviewed a resolution outlining the goals and objectives of the Landfill Owners Group and requested that the resolution be adopted.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION FOR THE GOVERNING BOARDS OF THE
LANDFILL OWNERS' GROUP TO CONCUR ON
A SET OF GOALS AND OBJECTIVES FOR SOLID WASTE MANAGEMENT
Resolution No. 2/92-93

WHEREAS, the issues of solid waste management in Orange County have become complex and costly, and

WHEREAS, the member governments of the Landfill Owners' Group wish to clarify their roles and the role of the Landfill Owners' Group of the Orange Regional Landfill in providing governance and advice on management of solid waste in Orange County,

WHEREAS, adoption of a common set of goals and objectives will assist in this clarification,

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

Section 1. The following statement of purpose and goals and objectives for solid waste management shall govern the solid waste management policies established by the Landfill Owners' Group:

MISSION STATEMENT:

The purpose of the Orange Regional Landfill Owners' Group (LOG) is to advise the governing bodies of Carrboro, Chapel Hill and Orange County on matters concerning solid waste management and make recommendations to the governing bodies regarding solid waste programs and policies.

GOAL # 1:

Recommend to the governing boards in Orange County a comprehensive, integrated plan to reduce the amount of waste disposed at the landfill.

OBJECTIVES FOR GOAL # 1:

- a. Work with all generators of solid waste in Orange County to implement such a plan;
- b. Recommend resources and technical assistance needed to carry out the plan;
- c. Work with citizens' groups, the public at large, neighboring universities and other sources of expertise in developing and implementing the plan;
- d. Develop and promote public and private source reduction and recycling efforts that contribute to meeting these goals;
- e. Investigate and provide guidance for implementation of volume reduction measures that contribute in a fiscally and environmentally sound manner to meeting this goal;

- f. Make recommendations for local governmental policies to support this plan including target dates and amounts to be reduced;

GOAL # 2:

Recommend plans and policies which ensure that adequate capacity of environmentally protective solid waste disposal facilities exist to meet the needs of the people of Orange County.

OBJECTIVES FOR GAOL # 2:

- a. Provide guidance and oversight on behalf of the governing boards that own the landfill to ensure that the Orange Regional Landfill complies with all applicable State and Federal laws for construction, operation, monitoring and closure of solid waste disposal facilities.
- b. Ensure that the landfill is operated in a manner which does not create health or environmental hazards.
- c. Recommend policies to ensure that the present landfill and any future landfills are operated to last as long as possible through source reduction, recycling, reducing the volume of materials and other processable materials (as allowed by law) from the sanitary portion of the landfill.
- d. Follow procedures adopted by the governing boards of Carrboro, Chapel Hill, and Orange County for selection of a new landfill site.
- e. Recommend a mechanism to select, finance, construct and operate the next landfill.

GOAL # 3

Recommend sources and levels of revenue from the solid waste stream including landfill tipping fees, recycling revenues, special waste handling fees (e.g. tire fees) and other revenues that enable solid waste management costs incurred by the Orange Regional Landfill to be financed as a self-supporting enterprise using no general tax revenues.

OBJECTIVES FOR GOAL # 3:

- a. Recommend budget and fee policies that ensure adequate financing of waste reduction and recycling programs necessary to meet the stated goals.
- b. Recommend policies to ensure that adequate funds are generated to cover all costs of operating and closing the present landfill and acquiring, designing, building and operating any future publicly-owned landfill sites in Orange County.
- c. Recommend appropriate policies and provide advice on expenditure of funds on solid waste planning and management efforts to meet the waste reduction goals.
- d. Recommend appropriate policies and provide advice on expenditure of funds for provision of adequate, environmentally sound disposal capacity.

GOAL # 4

Recommend policies on solid waste issues for consideration by the governments in Orange County.

OBJECTIVES FOR GOAL # 4:

- a. Recommend to local governments fiscally and environmentally sound policies for solid waste management including collection, financing and related policies and ordinances.
- b. Report regularly to governing boards and citizens on solid waste management in Orange County.
- c. Provide opportunities for citizen participation in the solid waste planning process.

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 11th day of August 1992:

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

Noes: None

Absent or Excused: None

NAME CHANGE/LANDFILL OWNERS GROUP AND ORANGE REGIONAL RECYCLING PROGRAM

Chris Peterson, Public Works Director, reviewed a resolution which would change the name of the Landfill Owners Group to the Intergovernmental Solid Waste Advisory Committee, and changing the name of the Orange Regional Recycling Program to the Orange Community Recycling Program. Mr. Peterson explained that the administration was requesting that the Board adopt the proposed resolution.

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

A RESOLUTION APPROVING THE NAME CHANGE OF
[ORANGE REGIONAL] LANDFILL OWNERS' GROUP (LOG)
TO INTERGOVERNMENTAL SOLID WASTE ADVISORY COMMITTEE (ISWAC)
AND
ORANGE REGIONAL RECYCLING PROGRAM
TO ORANGE COMMUNITY RECYCLING PROGRAM
Resolution No. 3/92-93

WHEREAS, the name Landfill Owners' Group has been the operational name of the three governments owning the Orange Regional Landfill, and

WHEREAS, the management of solid waste in Orange County has come to include operations other than landfilling including waste reduction, recycling, waste diversion, and solid waste planning such that the name "Landfill Owners' Group" no longer adequately represents the role of the three governing bodies in solid waste management.

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

Section 1. The name of the [Orange Regional] Landfill Owners' Group shall be changed to Intergovernmental Solid Waste Advisory Committee (ISWAC);

Section 2. The name Orange Regional Recycling Program shall be changed to Orange Community Recycling 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 11th day of August 1992:

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

Noes: None

Absent or Excused: None

NAME CHANGE/ORANGE COUNTY REGIONAL LANDFILL

Chris Peterson, Public Works Director, reviewed a proposed resolution which would change the name of the Orange Regional Landfill to the Orange County Landfill and explained that the administration requested the adoption of the resolution.

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

A RESOLUTION CHANGING THE NAME OF THE ORANGE REGIONAL LANDFILL
TO ORANGE COUNTY LANDFILL
Resolution No. 4/92-93

WHEREAS, the current name used to designate the publicly owned solid waste disposal facility in Orange County is the Orange Regional Landfill, and

WHEREAS, this name has been the cause of some confusion about the jurisdictions from which solid waste is accepted at the landfill, and

WHEREAS, the owners of the landfill desire to make it clear to citizens of Orange County that this landfill is not "regional" in the sense that out-of-county waste is accepted at the landfill.

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

Section 1. The name of the "Orange Regional Landfill" shall be changed to the "Orange County Landfill" although ownership and decision making about the landfill shall remain with the three present owners, the Town of Carrboro, Town of Chapel Hill, and Orange County.

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 11th day of August 1992:

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

Noes: None

Absent or Excused: None

UPDATE ON THE TOWNWIDE DESIGN GUIDELINES

The Board received an update regarding the townwide design guidelines.

Alderman Bryan requested a time schedule for the townwide design guidelines and the downtown design guidelines.

BUDGET AMENDMENT

Mr. Morgan explained that the new contract with Chapel Hill for bus services was submitted to Carrboro for signature in July, and the total contract cost had increased by \$6,826 over the figure given to us for the 1992-93 budget. This adjustment in our monthly charges will be offset by a comparable increase in UMTA grant reimbursements. The administration presented a budget amendment to bring the budget into agreement with the terms of the new contract with Chapel Hill.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY '92-93 BUDGET ORDINANCE" BE ADOPTED. VOTE: AFFIRMATIVE ALL.

RESOLUTION/INCLUDE WIDENING OF HILLSBOROUGH ROAD IN THE 1993-1999 TIP

Because the transportation project that would widen Hillsborough Road from Lorraine Street to Old Fayetteville Road in the 1993-1999 Transportation Improvements Program was omitted, the following resolution was proposed and adopted.

The following resolution was introduced by Alderman Frances Shetley and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION REQUESTING THE NORTH CAROLINA BOARD OF
TRANSPORTATION TO INCLUDE THE WIDENING OF HILLSBOROUGH ROAD
FROM LORRAINE STREET TO OLD FAYETTEVILLE ROAD IN THE 1993-1999
TRANSPORTATION IMPROVEMENTS PROGRAM
Resolution No. 6/92-93

WHEREAS, The Carrboro Board of Aldermen adopted its Transportation Improvements Program (TIP) on March 03, 1991; and

WHEREAS, the TIP adopted by the Town of Carrboro was submitted to NCDOT and the Durham Chapel Hill Carrboro Metropolitan Planning Organization (MPO) as required; and

WHEREAS, as the MPO adopted and submitted its 1993-1997 Transportation Improvements Program to NCDOT on June 25, 1992 which among other requirements included a Project Priority List and Programming Schedule; and

WHEREAS, the MPO's Transportation Improvements Program's project priority list and schedule did select projects in consultation with the State in which Carrboro's first priority project "Hillsborough Road" appeared as project #16 and the third new project; and

WHEREAS, the Hillsborough Road improvements are needed to serve the primary growth area of Carrboro which was the fourth fastest growing town in the State between 1980 and 1990; and

WHEREAS, the Carrboro Middle School is proposed for construction in this area and these improvements are needed for safer pedestrian, bicycle, school bus and personal vehicle access to the new school; and

WHEREAS, the North Carolina Board of Transportation has provided a public comment period on the DRAFT TIP which expires on August 14, 1992 and did not include Hillsborough Road in the list of projects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1. The Board of Aldermen requests the North Carolina Board of Transportation to include improvements to Hillsborough Road from Lorraine Street to Old Fayetteville Road within the State's 1993-1999 Transportation Improvements Program.

Section 2. That this project which will provide a 36-foot wide curb and gutter roadway with bikelanes and a sidewalk be scheduled for a feasibility study as soon as possible.

Section 3. This resolution shall become effective upon its adoption.

The foregoing resolution, having been submitted to a vote, received the following vote:

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

NOES: None

ABSENT/EXCUSED: None

The Board requested that the above resolution be forwarded to Mr. Charles Lowdermilk, Mr. Tom Darden, Mr. John Watkins, and the chairman of the Chapel Hill-Carrboro School Board.

AGENDA PLANNING COMMITTEE

Three items were referred to the Agenda Planning Committee for scheduling: 1) lower tap-on fees for indigent persons; 2) the Hillsborough pipeline; and 3) the Chatham County water issue.

LETTER OF APPRECIATION

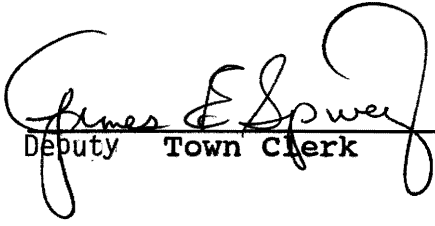
Mayor Kinnaird is to write a letter of appreciation to Congressman David Price for his prompt assistance in the matter regarding the post office.

CHAN BUILDING

Alderman Bryan requested that staff investigate the dead tree on the Chan property.

EXECUTIVE SESSION

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE BOARD ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS LITIGATION AND A POTENTIAL CLAIM.
VOTE: AFFIRMATIVE ALL.


Deputy Town Clerk


Mayor