

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 17, 1993 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 B. Brough |

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF JULY 6, 1993 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST TO ESTABLISH A COMMITTEE TO STUDY GUN CONTROL

David Griffith, a resident of North Greensboro Street, urged Carrboro to cooperate with surrounding communities to make an effective effort in controlling handguns.

Andrew Bare, a resident of 101 Cedarwood Lane, spoke concerning the current process for obtaining a handgun in Orange County.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD OF ALDERMEN ESTABLISH A COMMITTEE TO EXAMINE THE ISSUE OF GUN CONTROL IN CARRBORO AT ITS MEETING ON AUGUST 24, 1993. VOTE: AFFIRMATIVE ALL

The Board requested that Alderman Gist prepare a proposed charge for the proposed gun control committee.

Alderman Marshall requested that Alderman Gist include how the proposal to establish a committee to study gun control fits into the recommendations made by the Violent Crime and Drug Abuse Task Force.

Alderman Shetley requested that the Town Attorney investigate current laws that could be enforced to help alleviate problems with guns.

REQUEST TO SET PUBLIC HEARING/ORDINANCE REGULATING CONSTRUCTION NOISE

The Town Attorney has prepared a proposed amendment to the Town Code relating construction noise. The administration recommended that a public hearing be scheduled for September 21, 1993 to receive public input on the proposed amendment.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 21, 1993. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/MINOR MAP AMENDMENT REZONING 2.23 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ROCK HAVEN ROAD AND SMITH LEVEL ROAD FROM B-3 TO O

The administration requested that a public hearing be scheduled for September 21, 1993 on a request to rezone 2.23 acres located at the northwest corner of the intersection of Rock Haven Road and Smith Level Road from B-3 (Neighborhood Business) to O (Office). In addition, the administration requested that this request be referred to the Planning Board for its review and recommendation.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 21, 1993 AND THAT THIS MATTER BE REFERRED TO THE PLANNING BOARD. VOTE: AFFIRMATIVE ALL

REQUEST TO SET A JOINT PUBLIC HEARING WITH ORANGE COUNTY OFFICIALS ON ORANGE COUNTY'S PROPOSED CIVIL RIGHTS ORDINANCE

The town has received notification from the Orange County Board of Commissioners that a joint public hearing involving the Orange County Board of Commissioners, the Hillsborough Town Commissioners, the Chapel Hill Town Council and the Carrboro Board of Aldermen is scheduled for September 14, 1993 at 7:30 p.m. in the Superior Courtroom in the new County Courthouse in Hillsborough. The purpose of the public hearing will be to receive citizen comments on the proposed Orange County Civil Rights Ordinance.

The administration requested that the Board of Aldermen officially set this public hearing.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE JOINT PUBLIC HEARING BE SCHEDULED FOR SEPTEMBER 14, 1993. VOTE: AFFIRMATIVE ALL

Mike Brough questioned why the Board of Aldermen would be participating in this joint public hearing when the County Commissioners are the governing body proposing to adopt a civil rights ordinance--not the Town of Carrboro.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE PREVIOUS MOTION TO SET A JOINT PUBLIC HEARING FOR SEPTEMBER 14, 1993 TO RECEIVE CITIZEN COMMENTS ON ORANGE COUNTY'S PROPOSED CIVIL RIGHTS ORDINANCE BE RESCINDED. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (KINNAIRD, GIST)

It was the consensus of the Board not to participate in the joint public hearing and to have the Agenda Planning Committee schedule a discussion of the proposed civil rights ordinance.

REQUEST TO RESET THE PUBLIC HEARING FOR THE ANNEXATION BOUNDARY AGREEMENT AND ASSOCIATED ZONING

The administration requested that the public hearing on the annexation boundary agreement between Chapel Hill and Carrboro and to zone properties added to Carrboro's jurisdiction originally scheduled for August 24, 1993 be rescheduled for September 21, 1993.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE PUBLIC HEARING BE RESCHEDULED FOR SEPTEMBER 21, 1993. VOTE: AFFIRMATIVE ALL

GROWTH MANAGEMENT SEMINAR OPPORTUNITY

Julia Trevarthen, the town's Senior Planner, stated that Chapel Hill Councilwoman Joyce Brown is working with Livy Ludington and Margaret Brown to put together a seminar for Chapel Hill, Carrboro, Orange County and Hillsborough on growth management with Dr. John DeGrove. The seminar will address the issue of what Orange County and the municipalities should consider next in growth management and intergovernmental cooperation.

The administration recommended that the Board of Aldermen approve the use of \$200.00 from the Board's budget as Carrboro's contribution toward the seminar.

Alderman Gist requested that the seminar be scheduled for the evening hours in order to allow more people to attend.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE BOARD APPROVE THE USE OF \$200.00 FROM THE BOARD OF ALDERMEN'S BUDGET AS CARRBORO'S CONTRIBUTION TOWARD THE SEMINAR. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

AWARD OF BID/TOWN HALL REROOFING

The administration has received bids for the reroofing of the Town Hall and adjacent buildings. The administration recommended that the bid be awarded to Brockwell Construction for a total of \$22,809.00 and that a budget amendment be approved transferring the necessary funds from Capital Reserve to the Public Works Department's roof construction account.

Roger Thorne, the town's Purchasing Officer, answered the Board's questions concerning the bids submitted for this project.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE BID BE AWARDED TO BROCKWELL CONSTRUCTION FOR A TOTAL OF \$22,809.00 AND THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'93-94 BUDGET ORDINANCE," BE ADOPTED TRANSFERRING \$25,000.00 FROM CAPITAL RESERVE TO THE PUBLIC WORKS DEPARTMENT'S BUDGET. VOTE: AFFIRMATIVE ALL

PRESENTATION OF THE 1992 PLANNING BOARD GROWTH MANAGEMENT SUBCOMMITTEE'S EXAMPLE DEVELOPMENT SCENARIO FOR THE TRANSITION AREA

Margaret Brown was scheduled to present a report from a 1992 Planning Board Growth Management Subcommittee concerning future development in the Transition Area. Mrs. Brown was unable to attend the meeting, therefore this agenda item will be scheduled for another date.

REPORTS FROM TOWN ATTORNEY ON REGULATION OF AGGRESSIVE BEGGING AND PROHIBITION OF PUBLIC URINATION AND DEFECACTION

As requested by the Board of Aldermen, the Town Attorney presented memorandums to the Board concerning regulating aggressive begging and prohibiting public urination and defecation.

Mike Brough answered questions concerning threats to individuals and briefly explained the proposed alternative ordinances.

Ellen Caparella, a resident of Elm Street, stated that she and her son that been victims of begging, requested that a public hearing be held on this matter, and asked that the laws be changed to give the police some power to act on this matter.

Chief Callahan stated that Alternative #1 would be more easily enforceable, but Alternative #2 would be acceptable.

It was the consensus of the Board to request that the Town Attorney draft a third alternative panhandling ordinance which would define aggressive begging in a different manner; i.e., cursing, harassing, stalking, etc. In addition, the Board requested that the Town Attorney have the District Attorney review the proposed panhandling ordinances. The Board also requested that the Agenda Planning Committee schedule public hearings on these three alternative panhandling ordinances and the proposed ordinance prohibiting public urination and defecation.

SUGGESTED PROCESS FOR DISCUSSION OF UTILITY SERVICE AREAS

The administration recommended that the Town of Carrboro participate in the process for establishing service boundaries for water and sewer as suggested by the Town of Chapel Hill.

It was the consensus of the Board to request that the town's OWASA representatives be requested to appear before the Board of Aldermen to discuss this matter and discuss extension of water and sewer to areas with failing septic tanks and wells and the impact of reducing tap-on fees to Carrboro customers.

EMPLOYEE INCENTIVE AND AWARD PROGRAM

The Town Manager presented a report on an employee incentive and award program.

The Board requested that the Town Manager prepare a proposal for a basic employee suggestion and award program for the Board's consideration.

RESOLUTIONS DESIGNATING THE INSTALLMENT PURCHASE OF VEHICLES AND EQUIPMENT AS A TAX-EXEMPT OBLIGATION OF THE TOWN AND AUTHORIZING THE SALE OF THE EXISTING IBM COPIER AS SURPLUS PROPERTY

The administration recommended that the Board adopt two resolutions: (i) a resolution designating the installment purchase of Fiscal Year 1993-94 vehicles and equipment as a tax-exempt obligation of the town; and (ii) a resolution authorizing the sale of the existing IBM copier as surplus property.

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

**A RESOLUTION DESIGNATING AN INSTALLMENT PURCHASE
CONTRACT AS A TAX-EXEMPT OBLIGATION OF THE TOWN
Resolution No. 4/93-94**

WHEREAS, the Town of Carrboro, through its duly elected Mayor, with the consent and approval of the Board of Aldermen, has entered into a contract with Southern National Leasing Corporation for the purchase of:

Three (3) Police Patrol Cars
One (1) Side Loader Refuse Truck
One (1) Dump Truck for Public Works
One (1) 3/4 Ton Pickup Truck for Public Works
One (1) Motor Grader for Public Works
One (1) Copier for Town Hall

WHEREAS, the said contract, bearing the date August 18, 1993, qualifies as a tax-exempt obligation of the town, pursuant to the Internal Revenue Code of 1986.

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

Section 1. The aforesaid contract, bearing the date August 18, 1993 by and between the Town of Carrboro and Southern National Leasing Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as a qualified tax-exempt obligation of the town for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

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 17th day of August, 1993:

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

NOES: None

ABSENT/EXCUSED: None

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

**A RESOLUTION AUTHORIZING THE SALE
OF IBM SERIES 60 MODEL III COPIER
Resolution No. 6/93-94**

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorize the Town to dispose of personal property; and

WHEREAS, making the IBM Series 60 Model III copier currently used by the Town available for private sale at a negotiated price will make additional funds available for the purchase of a replacement copier;

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

Section 1. The IBM Series 60 Model III copier, serial number I0109107 is hereby declared surplus.

Section 2. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 in accordance with statutory requirements.

Section 3. The proceeds of the sale shall be applied as trade-in towards the purchase of a replacement copier.

Section 4. The copier is to be sold on an "as is" and "where is" basis and the town makes no guarantee of and assumes no responsibility for the copier.

Section 5. It shall be a condition of sale that the copier shall be picked up and removed from Town Hall premises by the purchaser. Purchaser shall bear sole expense of removal, although Town personnel will be made available if needed to facilitate removal.

Section 6. This resolution shall become effective upon adoption.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of August, 1993:

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

Noes: None

Absent or Excused: None

ORDINANCE REGULATING SMOKING IN PUBLIC PLACES

Mike Brough reminded the Board that it has until October 15, 1993 to adopt an ordinance regulating smoking in buildings open to the public and publicly-owned buildings and asked if the Board would like for him to prepare an ordinance for the Board's consideration.

It was the consensus of the Board to request the Town Attorney to draft an ordinance prohibiting smoking within town-owned property and for the Town Manager to prepare a recommendation on this matter. The Board also requested the Town Attorney prepare a memorandum regarding regulation of smoking in other buildings located within the town.

TRAFFIC SIGNAL AT THE INTERSECTION OF MERRITT MILL ROAD AND CAMERON AVENUE

Mayor Kinnaird requested that the town staff investigate whether a traffic signal could be installed at the intersection of Merritt Mill Road and Cameron Avenue which is weight/motion sensitive to bicycles.

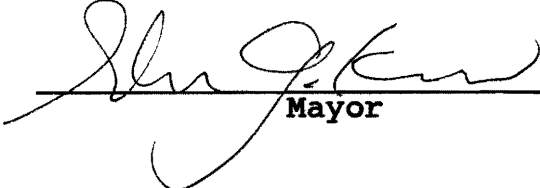
COMMITTEE ASSIGNMENTS

Alderman Gurganus requested that the Board begin thinking about replacements for his committee assignments, especially his seat on the Landfill Owners Group.

TRAFFIC ENFORCEMENT

Aldermen Gurganus and Marshall expressed concern over the low amount of time the Police Department has been devoting to traffic enforcement during the past eight months. They requested that the Police Chief prepare a proposal for carrying out traffic enforcement during the next six months and that monthly traffic enforcement reports be provided to the Board.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED AT 10:40 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk