

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 28, 1993 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Tom Gurganus
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF SEPTEMBER 21, 1993 BE APPROVED. VOTE: AFFIRMATIVE ALL

INTRODUCTION OF NEW EMPLOYEE

Larry Gibson, Assistant Town Manager, introduced Ashley Sigmon, the town's new personnel technician.

REQUEST FROM BOARD OF ADJUSTMENT FOR ADDITIONAL DUTIES

Allen Spalt, Chair of the Board of Adjustment, requested that the Board of Aldermen consider an amendment to the Land Use Ordinance which can be given some flexibility in certain circumstances and to allow these deviations from the strict compliance with the Land Use Ordinance to be administered on a case-by-case basis by the Board of Adjustment. This flexible ordinance would allow for adjustments to be made in cases where a variance is not possible due to the strict application of the law.

It was the consensus of the Board of Aldermen to request that the Town Attorney in conjunction with the town staff and Chair of the Board of Adjustment, to prepare a draft of possible amendments to the Land Use Ordinance which could allow deviations from the strict compliance with the provisions of the ordinance. These deviations would be administered on a case-by-case basis by the Board of Adjustment.

REPORT ON PARK AND RIDE LOT

Kenneth Withrow, the town's transportation planner, provided the Board of Aldermen with a follow-up report concerning alternatives for the existing NC 54 Park and Ride facility. Mr. Withrow stated that the town staff recommended that the current park and ride facility be utilized with the option to pursue the development of part or all of the Moore property for a park and ride facility as conditions change at Carrboro Plaza.

Alderman Shetley suggested that the town staff talk with the Town of Chapel Hill and UNC about contributing to the cost of the park and ride lot since most people using the facility are going to Chapel Hill and the University.

Alderman Bryan requested that the Town Attorney review the agreement with the State to determine if the Community Park property could be used as park and ride lot.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT THE TOWN UTILIZE THE CARRBORO PLAZA SITE AS A PARK AND RIDE LOT, THAT THE TOWN STAFF PURSUE A LONG-TERM LEASE ON THAT PROPERTY AND THAT THE TOWN STAFF INVESTIGATE THE POSSIBILITY OF PLACING A PARK AND RIDE LOT SOMEWHERE IN THE TRANSITION AREA. (ALDERMAN BRYAN WITHDREW HIS SECOND, THEREFORE THE MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE TOWN STAFF VIGOROUSLY PURSUE A LONG-TERM LEASE OF THE CARRBORO PLAZA PROPERTY FOR THE PARK AND RIDE LOT. VOTE: AFFIRMATIVE ALL

AMENDMENT TO HOME INVESTMENT PARTNERSHIP PROGRAM CONSORTIUM AGREEMENT

James Harris, the town's community and economic development officer, stated that the Orange HOME Consortium, of which Carrboro is a member, desires to be considered for eligibility under the federal HOME Program operated by the U.S. Dept. of Housing and Urban Development as authorized under the HOME Investment Partnership Act, Title II of the Cranston-Gonzalez National Affordable Act of 1990. If the consortium becomes eligible under the federal program, it would not have to compete annually for HOME funds, an allocation by formula would be made by HUD to our program. The Town authorization for an amendment to the August 27, 1992 agreement would mean that Carrboro agrees that it is in the interest of Carrboro citizens to secure federal government approval as a HOME entitlement program.

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

A RESOLUTION AUTHORIZING THE EXECUTION OF A
HOME INVESTMENT PARTNERSHIP PROGRAM
CONSORTIUM AGREEMENT AMENDMENT
Resolution No. 12/93-94

WHEREAS, the towns and county entered into the Orange HOME Consortium Home Investment Partnership Program Consortium Agreement (hereinafter "Agreement") on or about August 27, 1992; and

WHEREAS, the Orange HOME Consortium desires to be considered for eligibility under the federal HOME Program operated by the U.S. Department of Housing and Urban Development (HUD) as authorized under the HOME Investment Partnership Act, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (hereinafter "the Act") and the County and Towns agree that it is desirable and in the interest of their citizens to secure federal government approval for this eligibility; and

WHEREAS, the proper administration of the Agreement requires that there be amendments to the Agreement.

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

Section 1. The Board approves the request of the Orange HOME Consortium to the U.S. Department of Housing and Urban Development for consideration for eligibility of the Orange HOME Consortium under the federal HOME Program.

Section 2. The Board authorizes the Town Manager to execute the HOME Investment Partnership Program Consortium Agreement Amendment, in the form attached herewith.

Section 3. The Town Managers and the County Manager, on the advice and consent of the town/county attorney, may approve minor amendments to the Orange HOME Consortium - HOME Investment Partnership program Consortium Agreement and execute documents recording the amendments.

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 28th day of September, 1993:

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

Noes: None

Absent or Excused: Tom Gurganus

AWARD OF BID/MOTOR GRADER

The administration recommended that the bid be awarded to B.R. Lee and Sons for a total price of \$56,421.00. The administration also recommended

adoption of a resolution authorizing sale of the present motor grader as surplus property at private sale at a negotiated price.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HILLIARD CALDWELL THAT THE BID BE AWARDED TO R.B LEE AND SONS FOR A TOTAL BID PRICE OF \$56,421.00. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION AUTHORIZING THE SALE OF GALION SERIES "L" MOTOR GRADER Resolution No. 11/93-94

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

WHEREAS, making the Galion Series "L" Motor Grader, ID #503L 4G-06428 currently used by the Town available for private sale at a negotiated price will make additional funds available for the purchase of a replacement motor grader;

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

Section 1. The Galion Series "L" Motor Grader, ID #503L 4G-06428 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 motor grader.

Section 4. The motor grader 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 motor grader.

Section 5. It shall be a condition of sale that the motor grader shall be picked up and removed from the Public Works 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 28th day of September, 1993:

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

Noes: None

Absent or Excused: Tom Gurganus

PERSONNEL ORDINANCE AMENDMENT TO INCORPORATE PROVISIONS OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The administration requested that the Board adopt an amendment to the town's personnel ordinance to incorporate the provisions of the 1993 Federal Family and Medical Leave Act.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE TO COMPLY WITH THE FAMILY AND MEDICAL LEAVE ACT OF 1993," BE ADOPTED. VOTE: AFFIRMATIVE ALL

SPECIAL EVENTS CONTRACT WITH UNC-PD

Chief Callahan stated that in the past the Carrboro Police Department has provided off-duty officers for special events through the Chapel Hill Police Department. The Chapel Hill Police Department coordinated this activity and officers were paid by the Town of Chapel Hill in checks separate from their regular pay checks. Chapel Hill was then reimbursed by UNC. Carrboro Police Department officers worked under our standard Mutual Aid Agreement and no formal contract existed. Beginning this year, UNC-PD has taken over responsibility for providing personnel for special events and as a result, they are requesting a formal contract with the Town of Carrboro. Chief Callahan stated that the administration requested approval of this contract.

MOTION WAS MAE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN THAT THE MANAGER BE AUTHORIZED TO SIGN THE CONTRACT, BUT THAT THE CONTRACT BE AMENDED TO LIST THE SPECIFIC EQUIPMENT TO BE FURNISHED BY THE CARRBORO POLICE DEPARTMENT. VOTE: AFFIRMATIVE ALL

PROPOSED PATCH DESIGN FOR CARRBORO POLICE DEPARTMENT UNIFORMS

Chief Callahan presented a new uniform shoulder patch which the members of the Carrboro Police Department had designed.

JOINT PLANNING PUBLIC HEARINGS

Mr. Morgan informed the Board that there is a joint planning public hearing scheduled for October 14, 1993 to consider the CHAS application and the environmental impact statement for the American Stone Quarry. In addition, Orange County is requesting that a second joint planning public hearing be scheduled on November 29th, 30th or December 1st to consider an amendment to the Joint Planning Land Use Plan for the American Stone Quarry and an amendment to the Joint Planning Land Use Plan to include Chapel Hill's Watershed Overlay District in the Southern Transition Area. Mr. Morgan suggested that the Board might wish to request Orange County schedule the second joint planning public hearing after the date the new Board takes office.

It was the consensus of the Board to request that Orange County schedule the second joint planning public hearing after December 7, 1993.

GRAND OPENING OF CARR COURT COMMUNITY CENTER

Mayor Kinnaird informed the Board that the grand opening for the Carr Court Community is scheduled for Sunday, October 3, 1993.

It was the consensus of the Board to have the Mayor present resolutions of appreciation to those involved in getting the Carr Court Community Center up and running at the grant opening on October 3rd and then the Board would adopt the resolutions at its meeting on October 5th.

REMOVAL OF GRAVE SITE FROM CATES FARM DEVELOPMENT

Alderman Gist expressed concern over the newspaper article which indicated that the developers of Cates Farm are planning to remove the Buck Taylor grave site from that development.

It was the consensus of the Board to request the town staff contact the developers of Cates Farm to let them know it was the Board's intent and understanding that the Buck Taylor grave would be retained on the site of the Cates Farm development.

ENERGY EFFICIENT CONSTRUCTION

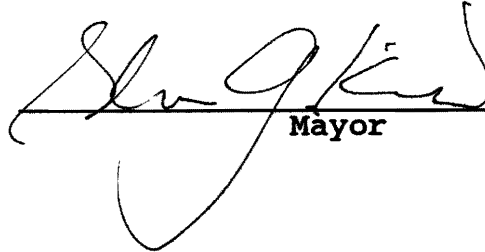
Alderman Bryan requested that the town staff obtain a copy of Wake County's draft proposal on how to make public facilities more energy efficient.

REQUEST FOR INFORMATION ON CLOSING DRUG HOUSES

Alderman Bryan requested that the town staff obtain a copy of Oakland, California's program which helps landlords having trouble renting their properties because of drug dealing occurring in them.

In addition, the Board requested that the Town Attorney prepare a report to the Board on the possibility of closing houses involved in drug activities.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED AT 9:50 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk