

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 12, 1993 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall (arrived at 9:50 p.m.)
	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 TOM GURGANUS AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF OCTOBER 5, 1993 BE APPROVED. VOTE: AFFIRMATIVE ALL

PROCLAMATION ISSUED

Mayor Kinnaird issued a proclamation proclaiming the month of October as Disability Employment Awareness Month.

RESOLUTION COMMENDING THE TOWN OF CHAPEL HILL

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

A RESOLUTION COMMENDING
THE TOWN OF CHAPEL HILL
ON THE ANNIVERSARY OF ITS 200TH YEAR
Resolution No. 15/93-94

WHEREAS, the Town of Chapel Hill began on this site 200 years ago; and

WHEREAS, the Town of Chapel Hill has become one of the great cities in the State of North Carolina; and

WHEREAS, the Town of Chapel Hill has provided a home and community for its people, from the most humble to the internationally recognized; and

WHEREAS, the Town of Chapel Hill has been the seat of one of our great universities and has grown in stature and luster along with it.

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

Section 1. The Board of Aldermen honors and recognizes the Town of Chapel Hill on its 200th Anniversary and send its greetings as it embarks on the future and continues as the fine town it has become in its first two hundred years.

Section 2. A copy of this resolution shall be delivered to the Mayor of the Town of Chapel Hill.

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 October, 1993:

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

Noes: None

Absent or Excused: Randy Marshall

A RESOLUTION COMMENDING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Tom Gurganus.

A RESOLUTION COMMENDING
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
ON THE ANNIVERSARY OF ITS 200TH YEAR
Resolution No. 16/93-94

WHEREAS, the University of North Carolina began on this site 200 years ago; and

WHEREAS, this University was founded to provide an education for all of North Carolina citizens; and

WHEREAS, from the humblest of beginnings, the University has grown to be one of the great educational institutions in the United States; and

WHEREAS, this University has produced students and scholars who have contributed to the greatness of our United States through their work.

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

Section 1. The Board of Aldermen honors and recognizes the University of North Carolina on its 200th Anniversary and send its greetings as it embarks on the future and continues as the great University it has become in its first two hundred years.

Section 2. A copy of this resolution shall be delivered to Chancellor Paul Hardin.

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 October, 1993:

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

Noes: None

Absent or Excused: Randy Marshall

REQUEST FROM CITIZEN

Tommy Watts requested that he be allowed to have an office use on his property located in the old A & P Shopping Center on W. Main Street.

Roy Williford stated that an office use is allowed on Mr. Watts' property. The question is whether this lot is tied together with the remainder of the shopping center property.

It was the consensus of the Board to refer this matter to town staff to investigate.

PRESENTATION OF AWARD

Doris Murrell, Chair of the Parks & Recreation Commission, presented the Arts and Humanities Award to the Board. Ms. Murrell stated that the award was given to the town for its "Breakfast with An Expert" program.

PUBLIC HEARING/ORDINANCES REGULATING BEGGING AND PROHIBITING PUBLIC URINATION AND DEFECACTION

This was a public hearing on three alternative versions of an ordinance regulating begging, in addition to an ordinance which would prohibit public urination and defecation.

Mike Brough explained the proposed ordinances. Mr. Brough stated that the alternative versions of the begging ordinance had been sent to the District Attorney's office for review, but that no response had been received.

Ellen Caparella requested that the Board adopt Alternative #3 of the proposed begging ordinance. She stated that she feels her freedom of speech is being violated when she says no to beggars and they follow her down the street. Ms. Caparella spoke in favor of adoption of the public urination ordinance also.

Ed Huggins spoke on behalf of Club Nova. Mr. Huggins stated there is a problem with public urination at Club Nova and requested that the Board adopt both ordinances.

David Summer, a business owner and resident spoke in favor of Alternative #3 of the begging ordinance. Mr. Summer stated that he has had problems with vagrants for two years and that he had contacted 100 businesses and they were all in favor of a panhandling ordinance. Mr. Summer requested that the town hire more police officers and suggested that the town have an auxiliary police force. Mr. Summer asked that the town encourage community watch.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CALDWELL THAT ALTERNATIVE #3 BE ADOPTED "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROHIBIT BEGGING IN AN INTIMIDATING MANNER ON TOWN STREETS, SIDEWALKS AND BIKEWAYS." VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY FRANCES SHETLEY THAT ALDERMAN GIST'S MOTION BE AMENDED TO ADOPT ALTERNATIVE #1 OF THE BEGGING ORDINANCE. VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (CALDWELL, KINNAIRD, GIST, BRYAN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT PUBLIC URINATION AND DEFECATION," BE ADOPTED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MARSHALL)

NEIGHBORHOOD CONCERNS IN OLD CARRBORO AND ON SCHOOL PROPERTY

The purpose of this item was for the Board of Aldermen to hear concerns from the residents of the Old Carrboro neighborhood regarding public safety issues.

Ellen Caparella stated that her neighborhood had been holding community meetings to discuss problems with vagrants. Ms. Caparella cited incidents with vagrants in her neighborhood and on the school grounds. Ms. Caparella stated that her neighborhood requested adoption of ordinances prohibiting panhandling and public urination, asked that the area around the school be cleaned up, that the town work with Duke Power to upgrade street lights in the area, and that the police department enforce public drunkenness and trespassing laws.

Alderman Bryan requested that the town staff present a status report to the Board in six weeks outlining the actions taken to alleviate problems with vagrants in the Old Carrboro neighborhood.

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

A RESOLUTION COMMENDING THE OWNERS OF
THE SHORT SHOP, CARRBORO MINI MART AND SAV-A-TON
FOR THEIR COOPERATION WITH THE CARRBORO POLICE DEPARTMENT
AND A REQUEST FOR FURTHER ASSISTANCE
Resolution No. 18/93-94

WHEREAS, the sale of fortified wine at the Short Stop, Carrboro Mini Mart and Sav-A-Ton was attracting vagrants to the neighborhood referred to as Old Carrboro and to the vicinity of Carrboro Elementary School; and

WHEREAS, the behavior of the vagrants has been disruptive to this neighborhood and to the operation of the elementary school; and

WHEREAS, the cooperation of the owners of the Short Stop, Carrboro Mini Mart and Sav-A-Ton to stop selling fortified wine at their stores has significantly assisted the Carrboro Police Department in controlling the behavior of these vagrants; and

WHEREAS, the town's elected officials, administration, police department, businesses, and citizens are working together to identify additional means to eliminate these problems.

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

Section 1. The owners of the Short Stop, Carrboro Mini Mart, and Sav-A-Ton are commended for their public spirit by stopping the sale of fortified wine at their stores thereby helping their neighbors.

Section 2. The owners of these establishments are asked to consider stopping the sale of malt liquor at their stores to further discourage vagrants from loitering in the adjacent neighborhoods.

Section 3. Copies of this resolution shall be delivered to the owners of the Short Stop, Carrboro Mini Mart, and Sav-A-Ton.

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 October, 1993:

Ayes: Tom Gurganus, Hilliard Caldwell, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: Eleanor Kinnaird

Absent or Excused: Randy Marshall

GRANT PROPOSAL/POLICE HIRING PROGRAM SUPPLEMENT PROGRAM

Chief Callahan presented a proposal for a grant from the U.S. Department of Justice which would allow the town to hire four (4) police officers. The grant would provide 75% of the cost of salaries and benefits for a three-year period. The town would be responsible for 25% of salaries and benefits and the entire cost of equipment and training. The total cost to the town over the three-year period of the grant would be approximately \$79,566 for salaries and benefits and \$48,790 for equipment and training. The amount covered by the grant would be \$238,676 over three years. The total cost to the town during the 1993-94 fiscal year would be \$18,500. After three years, the town would assume all costs associated with the grant.

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

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO, NORTH CAROLINA APPROVING AN APPLICATION FOR 1993 POLICE HIRING SUPPLEMENT PROGRAM GRANT
Resolution No. 14/93-94

WHEREAS, the United States Department of Justice is administering the Police Hiring Supplement Grant Program and has invited local governments to apply for funding prior to the October 14, 1993, application deadline; and

WHEREAS, the Town of Carrboro has prepared an application requesting 1993 Police Hiring Supplement Grant Funds in the amount of \$238,675 for implementing Community Oriented Policing within Carrboro; and

WHEREAS, the Town is willing to reaffirm local support for this project by participating financially in the amount of \$79,558 to receive a more favorable consideration for approval;

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

Section 1. The cost of providing funding for salary and benefits over a three year period to hire officers to implement Community Oriented Policing within Carrboro will be paid for jointly by the Town of Carrboro and the United States Department of Justice in the amounts of \$79,558 and \$238,675 respectively.

Section 2. The application for 1993 Police Hiring Supplement Program Grant Funds for implementing Community Oriented Policing in the amount of

\$238,675 is hereby approved for submission to the United States Department of Justice.

Section 3. The Town Manager is authorized to sign the necessary application and certifications associated with the submission of the grant.

The foregoing resolution having been submitted to a vote, received the following vote, and was duly adopted this 12th day of October, 1993.

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

NOES: None

ABSENT/EXCUSED: Randy Marshall

ADOPTION OF NO SMOKING ORDINANCES

Dan Reimer, Director of Orange County Health Services, spoke concerning the ordinance recently adopted by the Orange County Health Board. Mr. Reimer stated that if the Town of Carrboro adopts the ordinance it will lend more weight to the County's ordinance. Mr. Reimer stated that the only negative feedback received on the County's ordinance was one letter from the tobacco industry and one letter from the President of the Farm Bureau.

[Alderman Marshall arrived at the meeting.]

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 14 OF THE TOWN CODE TO PROHIBIT SMOKING WITHIN ANY TOWN-OWNED, LEASED, OR OCCUPIED BUILDING," BE ADOPTED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE ENTITLED, "AN ORDINANCE REGULATING SMOKING IN PRIVATELY-OWNED BUILDINGS OPEN TO THE PUBLIC," BE ADOPTED. VOTE: AFFIRMATIVE ALL

REPORT ON MODIFICATIONS TO FAIROAKS, PHASE 6 SITE PLANS

Roy Williford, Planning Director, presented a report to the Board of Aldermen in response to a petition presented to the Board on October 5, 1993 concerning modifications to the site plans for Fair Oaks, Phase 6. Mr. Williford stated that the Zoning Administrator has classified the proposed revisions to the site plan as a minor modification which will have to be approved by the Board of Aldermen. Mr. Williford stated that the town staff was proposing to place the modification on the Board's agenda for its November 16th meeting.

Mary Frances Boyce expressed concern that one of their parking spaces would be eliminated if the modification is approved as proposed. Ms. Boyce also stated that she would like for the road to stay at 20 feet along her property line.

STATUS REPORT ON BICYCLE PATHS

The town staff provided a status report to the Board on previously proposed bicycle path projects.

Roy Williford stated that the town had received a response from NCDOT re: the comparative risk analysis for the Carr Mill bikepath and that he would forward a copy of that response to the Board of Aldermen.

Mayor Kinnaird requested that the town staff request NCDOT install a tripper switch for bicycles at Merritt Mill Road and Carr Mill Mall.

A RESOLUTION CHARGING THE SHAPING ORANGE COUNTY'S FUTURE CONFERENCE STEERING COMMITTEE WITH THE DESIGN OF A PROCESS FOR A COMPREHENSIVE QUALITY GROWTH STRATEGY FOR ORANGE COUNTY AND THE TOWNS OF CARRBORO, CHAPEL HILL, AND HILLSBOROUGH

The following resolution was introduced by Alderman Hilliard Caldwell and seconded by Jay Bryan.

A RESOLUTION CHARGING THE SHAPING ORANGE COUNTY'S FUTURE CONFERENCE STEERING COMMITTEE WITH THE DESIGN OF A PROCESS FOR A COMPREHENSIVE QUALITY GROWTH STRATEGY FOR ORANGE COUNTY AND FOR THE TOWNS OF CARRBORO, CHAPEL HILL, AND HILLSBOROUGH
Resolution No. 19/93-94

WHEREAS, a Steering Committee comprised of representatives from the Towns of Carrboro, Chapel Hill, Hillsborough and Orange County was formed to begin a dialogue on growth management issues of importance to all of Orange County;

WHEREAS, the *Shaping Orange County's Future* conference was held on September 30, 1993 to address issues the County and the municipalities might consider in planning for the future;

WHEREAS, as a result of the discussions at the *Shaping Orange County's Future* conference the potential of a comprehensive quality growth strategy was identified;

WHEREAS, including the principles of community building is important to the development of a comprehensive quality growth strategy; and

WHEREAS, Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough should all have a role in the development of a community building and comprehensive quality growth strategy.

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

Section 1. The *Shaping Orange County's Future* Steering Committee should continue its work in order to design a process for developing a community building and comprehensive quality growth strategy for Orange County and the municipalities.

Section 2. The Steering Committee should complete the design of this process by the target date of December 1, 1993. Following the completion of their report, the Steering Committee or their designated representative will report to the elected boards of Carrboro, Chapel Hill, Hillsborough, and Orange County.

Section 3. The community building and comprehensive quality growth management strategy which results from this process could be used as a basis for creating a community building and comprehensive quality growth strategy for the region.

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 October, 1993:

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

NOES: None

ABSENT/EXCUSED: None

APPOINTMENTS TO GUN CONTROL STUDY COMMITTEE

The Board made the following appointments to the Gun Control Study Committee:

Alderman Gist nominated Robert Flewellyn
Alderman Shetley nominated Christine Carlson
Alderman Bryan nominated Diana McDuffee
Mayor Kinnaird nominated David Griffiths
Alderman Caldwell nominated George Sanford
Alderman Gurganus nominated John Kessler
Alderman Marshall nominated Michael Robinson

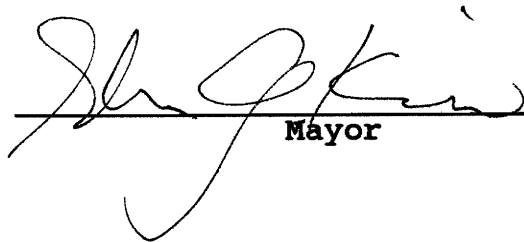
Alderman Gist, Bryan and Shetley volunteered to serve as the Board representatives on the Gun Control Study Committee.

The Board agreed to set a date for the first meeting of the committee at the Board's meeting on October 26th.

CANCELLATION OF OCTOBER 19TH BOARD MEETING

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JAY BRYAN THAT THE BOARD'S MEETING SCHEDULED FOR OCTOBER 19, 1993 BE CANCELED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE MEETING BE ADJOURNED AT 11:10 P.M. VOTE: AFFIRMATIVE ALL



Mayor

Town Clerk