

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 22, 1994 at 7:30 p.m. in the Town Hall Board Room.

**Present and presiding:**

|               |                     |
|---------------|---------------------|
| Mayor         | Eleanor Kinnaird    |
| Aldermen      | Michael Nelson      |
|               | Randy Marshall      |
|               | Hank Anderson       |
|               | 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 FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF NOVEMBER 1, 1994 BE APPROVED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**A RESOLUTION SENDING REGRETS TO THE FAMILY OF FORMER CARRBORO MAYOR RUTH WEST**

Alderman Shetley read a statement in memory of former Mayor Ruth West.

The following resolution was introduced by Alderman Frances Shetley and duly seconded by Randy Marshall.

**A RESOLUTION SENDING REGRETS TO THE  
 FAMILY OF FORMER CARRBORO MAYOR RUTH WEST  
 Resolution No. 19/94-95**

WHEREAS, Ruth West served as Mayor of the Town of Carrboro from 1975 to 1977; and

WHEREAS, Mayor West contributed significantly to the Town of Carrboro during her tenure as Mayor.

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

Section 1. The Mayor and Board of Aldermen sends this memorial resolution to Ruth West's family expressing the Town of Carrboro regrets.

Section 2. This resolution shall be spread upon the minutes of the Board of Aldermen and a copy shall be delivered to Mayor West's family.

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 22nd day of November, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

\*\*\*\*\*

**CERTIFICATE OF APPRECIATION PRESENTED**

Mayor Kinnaird presented a certificate of appreciation to John Dunkle, a former member of the Appearance Commission/Neighborhood Preservation District Commission.

\*\*\*\*\*

**REQUESTS FOR ALLEY CLOSING AND LAND USE ORDINANCE TEXT AMENDMENT**

John Dunkle requested that the Board of Aldermen set a public hearing for January 3, 1995 to consider a request to close the alley located at 711 West Rosemary Street. In addition, Mr. Dunkle requested that the Board of Aldermen amend the Land Use Ordinance to allow restaurants with inside and outside restaurant service in the B-1(g) zoning district.

The following resolution was introduced by Alderman Michael Nelson and duly seconded by Alderman Randy Marshall.

**A RESOLUTION ACCEPTING THE ROSEMARY STREET ALLEY,  
DECLARING THE INTENT OF THE BOARD OF ALDERMEN  
TO CLOSE THE 12-FOOT ALLEY  
NOW KNOWN AS ROSEMARY STREET ALLEY AND SETTING A PUBLIC HEARING TO HEAR ALL  
PERSONS INTERESTED IN THIS ALLEY CLOSING  
Resolution No. 22/94-95**

WHEREAS, a plat recorded in Plat Book 3 at Page 102, of the Orange County Registry showing a 12' alley on Rosemary Street, adjacent to parcels identified according to Orange County Tax Identification Numbers 9788-06-2344 and 9788-06-1390, constitutes an offer of dedication;

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

Section 1. The Board hereby accepts the 12' alley on Rosemary Street and the alley will now be known as the Rosemary Street Alley.

Section 2. The Board of Aldermen hereby declares its intention to close the 12' alley known as the Rosemary Street Alley.

Section 3. The Board of Aldermen shall hold a public hearing on the proposed alley closing at its regular meeting on January 3, 1995 at 7:30 p.m. in the Town Hall.

Section 4. This resolution shall be published once a week for four successive weeks prior to the hearing and a copy shall be sent by certified mail to the persons who, according to the county tax records, own property adjoining the Rosemary Street Alley that is proposed to be closed. In addition, a notice of the proposed closing and the public hearing thereon shall be prominently posted in at least two places along the Rosemary Street Alley to be closed.

Section 5. Should the Rosemary Street Alley be closed as proposed, then all right, title and interest in the right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the alley identified by PIN 9788-06-2344 and PIN 9788-06-1390 according to county tax records, and the title of such landowners identified by PIN 9788-06-2344 and PIN 9788-06-1390, for the width of the abutting land owned by them, shall extend to the center line of said street.

Section 6. 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 the 22nd day of November 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

It was the consensus of the Board to request that the town staff present a report at a later date on Mr. Dunkle's request to amend the Table of Permissible Uses to allow inside and outside restaurant service in the B-1(g) zoning district, to include an overlay zone and a history of restaurant uses in the downtown.

\*\*\*\*\*

WHEREAS, the town has received a petition requesting that the Weaver Family Cemetery located on West Main Street, adjacent to 802 West Main Street; and

WHEREAS, the petition is consistent with the town's policy for acceptance of private cemeteries.

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

Section 1. The Board hereby expresses its intent to accept the Weaver Family Cemetery located on West Main Street.

Section 2. The Board hereby outlines the following conditions for acceptance:

1. All property lines shall be demarcated;
2. The Director of Public Works shall inspect the landscaping to ensure that all underbrush has been removed; trees/shrubs have been pruned and areas around monuments/markers have been trimmed; cemetery ground are to remain in a natural state;
3. The Petitioner shall execute a Quit Claim Deed prepared by the Town Attorney, and such deed shall be recorded by the Town; and
4. The Petitioner shall comply with all applicable requirements of the Town's cemetery policy.

Section 3. The Board hereby authorizes the Town Manager to execute a Notice of Acceptance if the above conditions are satisfactorily fulfilled within six months from the adoption of this resolution.

Section 4. The Board's intent to accept the Weaver Family Cemetery will be nullified if the conditions of this resolution are not satisfactorily fulfilled within six months from the adoption of this resolution.

Section 5. Upon the Town Manager's execution of a Notice of Acceptance, the Weaver Family Cemetery will become a part of the Town's cemetery maintenance system and not future burials will be permitted within this cemetery.

Section 6. 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 22nd day of November, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT A PLAQUE BE INSTALLED INDICATING THE EXISTENCE OF THE UNMARKED SLAVE GRAVES. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

#### AWARD OF CONTRACTS FOR PHASE I OF THE TOWN COMMONS PROJECT

James Harris, the town's Community and Economic Development Officer, stated that the administration was requesting that the Board authorize the Town Manager to execute contracts between the town and the contractors for the construction of Phase I of the Town Commons project. Mr. Harris stated that Phase I of the Town Commons project consists of two farmers' market structures, landscaping and parking. Mr. Harris introduced John Duncan, the construction manager, and members of the Town Commons Fund-Raising Committee. Mr. Harris also stated that the administration was recommending that the Board select Option 5 for the construction of the truss system, which will use prefab trusses on the interior and site-built trusses on the perimeter of the market structures.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO CONTRACTS WITH THE FOLLOWING COMPANIES

**TO CONSTRUCT PHASE I OF THE TOWN COMMONS PROJECT (TWO FARMERS' MARKET STRUCTURES, LANDSCAPING AND PARKING):**

|                                   |                  |
|-----------------------------------|------------------|
| Bruce Wrenn Electrical            | \$10,691.24      |
| J & J Contractors (concrete work) | 24,737.00        |
| Lanier Construction Co. (grading) | 42,500.00        |
| Tar River Roofing Co.             | 3,650.00         |
| Ted Chagaris (framing)            | <u>20,050.00</u> |
| Total                             | \$101,628.24     |

**IN ADDITION THAT OPTION V BE USED FOR THE CONSTRUCTION OF THE TRUSS SYSTEM, WHICH WILL USE PREFAB TRUSSES ON THE INTERIOR AND SITE-BUILT TRUSSES ON THE PERIMETER. VOTE: AFFIRMATIVE ALL**

\*\*\*\*\*

**REQUEST FOR TRAFFIC SIGNAL AT LLOYD/MAIN STREET INTERSECTION**

Kenneth Withrow, the town's Transportation Planner, stated that the town staff had sent a letter to NCDOT requesting that the Department improve the conditions at the Lloyd/Main Street intersection by installing a traffic signal at that intersection. Mr. Withrow stated that the administration recommended that the Board receive the letter and ask for periodic updates concerning the progress of installing the signal.

The Board requested that the town staff forward a copy of tonight's agenda item concerning this item to the Lloyd Street neighborhood association as information. The Board also requested that the town staff research accident reports which occurred at the Lloyd/Main Street intersection to determine if there have been any fatalities.

\*\*\*\*\*

**WORKSESSION ON REQUESTS FOR REVISIONS TO IMPERVIOUS SURFACE REQUIREMENTS IN THE UNIVERSITY LAKE WATERSHED**

Roy Williford, the town's Planning and Economic Development Director, presented options for the Board's consideration in response to requests for revisions to the University Lake Watershed impervious surface requirements.

Ed Holland with OWASA, stated that the OWASA Board of Directors had not considered revisions to the impervious surface requirements. Mr. Holland also presented a letter from the OWASA staff regarding impervious surface requirements in the University Lake Watershed.

Liz Rooks, representing the Winsome Lane Homeowners Association, stated that their problems arose when the road ended up with a 2.9% impervious surface allocation after the road was taken out. Ms. Rooks stated that the 4% impervious surface requirement would be easier to administer with a cap on the roads.

Allen Stiles, a member of Carrboro Baptist Church, stated that the parking lot has been the problem for the church with the Old Fayetteville Road site. That is why the church requested that an alternative paving material be considered.

It was the consensus of the Board to ask the OWASA Board of Directors to review the town staff's report on this matter and offer its comments.

\*\*\*\*\*

**APPOINTMENTS TO ORANGE COUNTY SENIOR CENTER TASK FORCE AND HUMAN SERVICES COORDINATING COUNCIL**

The Orange County Board of Commissioners have established a committee to develop an Orange County Senior Center Development Plan and have requested that the Town of Carrboro nominate a representative to serve on this task force. In addition, Orange County has requested that the Town nominate a representative to serve on the Human Services Coordinating Council. The purpose of this agenda item was for the Board of Aldermen to consider making an appointment to this Senior Center Task Force and the Human Services Coordinating Council.

Alderman Gist volunteered to serve on the Human Services Coordinating Council.

**REQUEST FROM UNC STUDENT TELEVISION**

Wayne Journee, with UNC Student Television, requested the town's assistance in having UNC Student Television broadcast on CVI.

It was the consensus of the Board to refer this request to the Cable T.V. Committee for consideration.

\*\*\*\*\*

**PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/CATES FARM, PHASES 3 AND 4**

Richard Westmoreland, on behalf of Rhein-Raleigh-Charlotte Limited Partnership, has submitted a petition for annexation of Phases 3 and 4 of the Cates Farm Subdivision. These phases are contiguous to Cates Farm Phases 1 and 2, which have previously been annexed into the town's corporate limits. The administration recommended that the Board of Aldermen adopt an ordinance which will annex this property into the town limits effective February 28, 1995.

[No one spoke at this public hearing.]

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING CATES FARM SUBDIVISION, PHASES 3 AND 4," BE ADOPTED. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**AWARD OF BID/FRONT LOADING REFUSE DUMPSTER TRUCK**

The administration recommended that the Board of Aldermen:

- 1) Adopt a resolution declaring the front loading refuse dumpster truck #53 (Fixed Asset #0277) surplus upon delivery and acceptance of the new refuse dumpster truck.
- 2) Authorize disposition of Truck #53 by sale to Lodal-South, Inc., sale price to be applied as trade-in amount to the purchase price of the new front loading refuse dumpster truck.
- 3) Award the contract for the purchase of a new front loading refuse dumpster truck to Lodal-South, Inc. of Rockingham, NC for the contract price of \$111,255 (bid price of \$119,755.00 minus trade-in amount of \$8,500.00).
- 4) Waive the requirement for a Performance and Payment Bond for the execution of this contract.

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

**A RESOLUTION DECLARING TRUCK #53 (ASSET #0277) SURPLUS  
AND AUTHORIZING ITS SALE AS TRADE-IN ON A REPLACEMENT TRUCK  
Resolution No. 17/94-95**

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

WHEREAS, making Front End Loading Refuse Dumpster Truck #53 currently used by the Town available for sale as Trade-In for the purchase of a new Front End Loading Refuse Dumpster Truck will reduce the net cost of the replacement Dumpster Truck; and

WHEREAS, the Town has received three acceptable bids for the purchase of a replacement Dumpster Truck, the lowest of which (after allowing for Trade-In of Truck #53) is within the amount included in the FY 1994-1995 Budget for replacement of Truck #53;

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

Section 1. The Front Loading Refuse Dumpster Truck #53 (Fixed Asset #0277) is hereby declared surplus upon delivery and acceptance of a replacement Front Loading Refuse Dumpster Truck.

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 Refuse Truck

Section 4. The Refuse Truck is sold on an "as is" and "where is" basis and the Town makes no guarantee of and assumes no responsibility for the Refuse Truck.

Section 5. It will be the Buyer's responsibility to remove the Refuse Truck from the grounds of the Public Work Facility upon delivery and acceptance of the replacement Dumpster Truck.

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 22nd day of November, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN TO:

- 1) AUTHORIZE DISPOSITION OF TRUCK #53 BY SALE TO LODAL-SOUTH, INC., SALE PRICE TO BE APPLIED AS TRADE-IN AMOUNT TO THE PURCHASE PRICE OF THE NEW FRONT LOADING REFUSE DUMPSTER TRUCK.
- 3) AWARD THE CONTRACT FOR THE PURCHASE OF A NEW FRONT LOADING REFUSE DUMPSTER TRUCK TO LODAL-SOUTH, INC. OF ROCKINGHAM, NC FOR THE CONTRACT PRICE OF \$111,255 (BID PRICE OF \$119,755.00 MINUS TRADE-IN AMOUNT OF \$8,500.00).
- 4) WAIVE THE REQUIREMENT FOR A PERFORMANCE AND PAYMENT BOND FOR THE EXECUTION OF THIS CONTRACT.

VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

#### ACCEPTANCE OF THE WEAVER FAMILY CEMETERY

The purpose of this item was to review a petition submitted by Carrol S. Weaver and Jane Brill requesting that the town accept the Weaver Family Cemetery onto the town's cemetery maintenance system.

Chris Peterson, Public Works Director, stated that the administration was recommending acceptance of the Weaver Family Cemetery with the stipulation that the following conditions be satisfied within six months following adoption of the resolution stating the town's intent to accept the cemetery: (1) demarcation of all property lines; (2) the cemetery grounds shall be accepted in a natural state; however the Director of Public Works shall inspect the landscaping prior to an Acceptance Notice being executed by the Town Manager to ensure that all underbrush has been removed; trees/shrubs have been pruned and areas around monuments/markers have been trimmed to the Director of Public Works' satisfaction; and (3) Execution of a quit claim deed. In addition, the administration recommended that no future burials be allowed in this historic cemetery.

Carrol Weaver answered the Board's questions concerning the survey of the property and stated that he had recorded the plat of the cemetery with the Register of Deeds Office.

The following resolution was introduced by Alderman Frances Shetley and seconded by Jay Bryan.

A RESOLUTION AUTHORIZING THE ACCEPTANCE  
OF THE WEAVER FAMILY CEMETERY  
ONTO THE TOWN'S CEMETERY MAINTENANCE SYSTEM  
Resolution No. 20/94-95

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT ALDERMAN GIST AND CHRISTINE TAYLOR BE APPOINTED TO SERVE AS THE TOWN'S REPRESENTATIVES ON THE HUMAN SERVICES COORDINATING COUNCIL AND THAT ELIZABETH HUTTON BE APPOINTED TO SERVE AS THE TOWN'S REPRESENTATIVE ON THE ORANGE COUNTY SENIOR CENTER TASK FORCE. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**BUDGET WORKSESSION TO DISCUSS TOWN GOALS**

Mr. Morgan suggested that the Board schedule the worksession to discuss town goals for December 15, 1994.

It was the consensus of the Board scheduled the budget worksession to discuss town goals for Thursday, December 15, 1994.

\*\*\*\*\*

**REQUEST FOR REPORT ON STONE QUARRY NEGOTIATIONS**

Alderman Gist requested that the Town Manager provide a report to the Board on the status of negotiations between Martin Marietta and the residents surrounding the Stone Quarry site.

\*\*\*\*\*

**RESTRUCTURING OF LANDFILL OWNERS' GROUP**

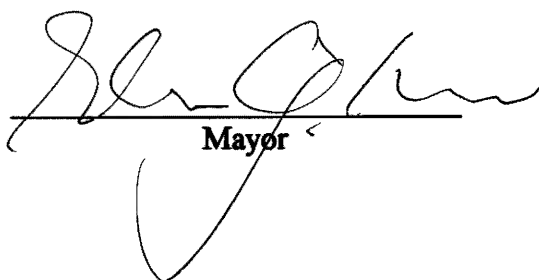
Alderman Nelson requested that the Board schedule a discussion of the restructuring of the LOG. It was the consensus of the Board to ask that this matter be scheduled for discussion in December.

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON THAT THE BOARD GO INTO CLOSED SESSION AT 11:00 P.M. TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE BOARD APPROVE A TWO AND ONE-HALF PERCENT MERIT INCREASE FOR THE TOWN MANAGER. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

LIMITS. COLLATERAL FOR THE LOAN WOULD BE ONE-HALF ACRE TRACT OWNED BY ALBERT ALLEN LOCATED ON PINEY MOUNTAIN ROAD VALUED AT \$55,000. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

### ADOPTION OF CARRBORO DAY PHILOSOPHY

Alderman Bryan requested that the Board of Aldermen considering adopting a goal sheet for Carrboro Community Spirit Day.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDY MARSHALL THAT THE GOAL SHEET FOR CARRBORO COMMUNITY SPIRIT DAY BE ADOPTED. VOTE: AFFIRMATIVE ALL (See Town Clerk's file of this meeting for a copy of the goal sheet.)

\*\*\*\*\*

### ADOPTION OF BUDGET CALENDAR FOR FY'95-96

The administration requested that the Board adopt a schedule for developing and adopting the FY'95-96 budget.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE FOLLOWING BUDGET CALENDAR BE APPROVED:

## 1995-96 BUDGET CALENDAR

### December 15, 1994

Staff and Board hold worksession to discuss Town goals.

### January 3, 1995

Board holds public hearing for community needs assessment.

### January 8-9, 1995

Board of Aldermen and staff hold annual retreat to discuss priorities for the new year. Manager presents revenue estimates for FY 95-96 and five year financial projections, and recommends "bottom line" financial goals.

### January 17, 1995

Board identifies its policy goals for staff to develop cost estimates.

### February 14, 1995

Manager presents cost estimates for Board's policy goals and for Manager policy goals. Board decides upon policy goals and financial goals for FY 1995-96 budget.

### February 15, 1995

Manager gives dept. heads their allocations based upon the Board's and top management's goal decisions.

### March 14, 1995

Department heads submit budgets to Manager for 1995-96 based upon allocations, providing decision packages and supplemental budget requests.

### April 3-14, 1995

Manager meets with department heads and arrives at final decisions on what will be included in the Manager's recommended budget.

### May 16, 1995

Manager submits proposed budget and Five-Year Capital Improvements Plan to Board.

### May 23, 1995

Board holds public hearing on proposed budget.

### May 25, 1995

Board holds first budget worksession.