

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 14, 1995 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 JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE MINUTES OF MARCH 7, 1995 BE APPROVED. VOTE: AFFIRMATIVE ALL

PRESENTATION OF RESOLUTION OF APPRECIATION

Mayor Kinnaird presented a resolution of appreciation to Mrs. Mary Lynn for Fred Lynn's service to the Town of Carrboro. (This resolution was adopted by the Board of Aldermen on February 14, 1995.)

REQUEST FROM FRIENDS OF CARRBORO LIBRARY

Chris Harlos, representing Friends of Carrboro Library, requested that the town help refurbish and install a book drop at McDougle Middle School. Mr. Harlos stated that Shellie Warman has been hired and the library should be open to the public by the third week in April. A grand opening is planned for late May or early June.

It was the consensus of the Board to request that the Public Works Dept. refurbish and install the book drop at McDougle Middle School.

REQUEST TO SET PUBLIC HEARING/STREET CLOSING REQUEST/EARTH DAY

Weaver Street Market has requested the closing of Weaver Street from the Main Street intersection to the North Greensboro Street intersection from 10:00 a.m. to 6:00 p.m. on Saturday, April 22, 1995 (rain date: April 29th) to accommodate 1995 Earth Day activities. It is requested that a public hearing be set for April 4, 1995 to consider this request.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT A PUBLIC HEARING BE SET FOR APRIL 11, 1995. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to agree to be a sponsor in this event and that Weaver Street Market be allowed to use the town's stage for the Earth Day activities.

PRESENTATION OF TOWN HALL SPACE NEEDS STUDY

James Harris, the town's Community and Economic Development Officer, presented the Town Hall Space Needs Study prepared by Cherry Huffman Architects, PA and requested that the Board set a worksession with the architect for April 11, 1995 to review the study in detail, to begin to evaluate the options proposed and determine how the Board desires to proceed in making a decision on this matter.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON TO SET A WORKSESSION FOR APRIL 11, 1995. VOTE: AFFIRMATIVE ALL

REPORT ON COPS FAST GRANT

Chief Callahan presented a report on the COPS FAST grant that the town has received which will provide a maximum federal contribution of 75% of the salary and benefits of one community police officer over three years, up to a cap of \$75,000.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO RECEIVE AND ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

BUDGET AMENDMENT FOR ROADWAY DESIGN WORKSHOP

The purpose of this item was to amend the FY'94-95 budget to provide funds for the Neighborhood Roadway Design Workshop approved by the Board on March 7, 1995.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'94-95 BUDGET ORDINANCE," BE ADOPTED TO TRANSFER \$3,300 FROM THE CONTINGENCY FUND TO THE ROADWAY DESIGN WORKSHOP. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (MARSHALL, SHETLEY)

APPOINTMENTS TO COMMITTEE TO STUDY FINANCING AND OWNERSHIP OF NEW LANDFILL

Chris Peterson, Public Works Director, asked the Board to consider a request by the Landfill Owners' Group to formulate a committee to study possible financing and ownership of a new landfill. The LOG has requested that all of its present members and the Town of Hillsborough appoint two or three elected officials to serve on this proposed committee. Mr. Peterson stated that Orange County had appointed Don Willhoit and Steve Halkiotis to serve on the committee.

Kirk Klosman with Town of Chapel Hill, stated that the managers of Orange County had discussed financing alternatives (general obligation bonds, revenue bonds, special obligation bonds, or leases and installment contracts). Ownership options include: sole ownership by Orange County or a municipality, cooperative ownership by interlocal agreement or through formation of a regional solid waste management authority, sanitary district creation and ownership, service district creation and ownership by Orange County, use of a 63-2 corporation by sole or cooperative owners, and private ownership.

Aldermen Nelson and Anderson volunteered to serve as the Town of Carrboro's representatives. Alderman Gist volunteered to serve as an alternate representative.

The following resolution was introduced by Alderman Michael Nelson and duly seconded by Alderman Jay Bryan.

A RESOLUTION AUTHORIZING THE ESTABLISHMENT
OF A LANDFILL RE-ORGANIZATION WORKING GROUP,
APPOINTING MEMBERS OF THE BOARD OF ALDERMEN TO
SERVE ON THE WORKING GROUP AND
ESTABLISHING A CHARGE FOR THE WORKING GROUP
Resolution No. 38/94-95

WHEREAS, the Board of Aldermen acknowledges a need to review the organization of the existing Landfill Owners' Group and to consider alternative means of landfill ownership; and

WHEREAS, the acquisition of a new landfill and possibly other solid waste facilities presents local governments with new management and financing opportunities; and

WHEREAS, it is recognized that the current 1972 Agreement defining ownership and operation of the landfill is very general and needs revision; and

WHEREAS, a working group is necessary to satisfactorily explore and evaluate re-organization, financing and implementation options.

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

Section 1. the Board of Aldermen hereby authorizes the establishment of a Landfill Re-Organization Working Group and appoints Aldermen Michael Nelson and Hank Anderson as the Town of Carrboro's representatives on this committee, with Alderman Jacquelyn Gist serving as an alternate representative.

Section 2. The charge for the working group shall be:

- (a) To evaluate options for ownership, financing and administration of the next landfill and/or other solid waste management facilities and activities; and
- (b) To report back to the governing bodies on recommendations for ownership, financing and administration and a process for public debate and consideration of the associated issues.

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 14th day of March, 1995:

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

Noes: None

Absent or Excused: None

PURCHASE OF NEVILLE TRACT/LANDFILL

Chris Peterson, the town's Public Works Director, stated that two years ago it was determined that there was a deficit of approximately 200,000 cubic yards of soil to be used as cover material at the landfill. The Town of Chapel Hill was asked by the LOG to negotiate the purchase of the Neville tract to provide the necessary cover material for the landfill. Mr. Peterson requested that the Board consider a request by the Landfill Owners' Group to adopt a resolution authorizing the Chapel Hill Town Manager to utilize the Landfill Reserve Fund - Land Reserve to purchase the property known as the Neville tract located adjacent to the South Eubanks Landfill. The purchase of the Neville tract would provide needed soil for landfill operations and remove the access easement across the Greene tract.

Gertrude Nunn, a resident of Eubanks Road, stated that she owns 11 acres adjacent to the Greene tract. Ms. Nunn expressed concern the purchase of the Neville tract to provide soil for the landfill will result in soil strip mining on the land adjacent to her property, Mrs. Nunn stated she was concerned about her property value and contamination of her well. Mrs. Nunn stated that she would consider compensation for damages to her property. Mrs. Nunn stated that damage to her house as a result of blasting at the landfill has not been resolved. Mrs. Nunn stated that her well was not damaged, but other wells in the area were damaged as a result of the blasting. Mrs. Nunn stated that she feels that the needed soil could be found on another site. Mrs. Nunn stated that the Town of Chapel Hill has not talked with she and her neighbors about buying the Greene tract.

Ervin Nunn stated that if it came down to it, it would be better to have the easement through the Neville property to the Greene tract. Mr. Nunn stated that his sister had wanted to build a house on the Nunn property a year ago and was told that she would have to pave her driveway, therefore the cost was too prohibitive to build.

Gayle Wilson, stated that none of the adjacent property have been notified. In order to rezone the property to allow for extraction of soil, many opportunities will be open for public comment. Mr. Wilson stated that there is no evidence of any contamination by the landfill. The Health Dept. will be testing the wells in the area surrounding the landfill on a regular basis. There will be no potential for contaminating wells as a result of removing the soil to the landfill. The Neville tract is encumbered because the LOG would have to give the owner of the Neville tract access through the Greene tract. The Greene tract would be accessed through the Neville

tract. Mr. Wilson stated that there has been no demonstrated depreciation in property values on properties surrounding the landfill. Mr. Wilson stated that the Neville tract will be used immediately and be used off and on for another two or three years. Mr. Wilson stated that the Town of Carrboro owns 14% of the Greene tract.

Mike Brough stated that if it was the Board's intent to have the rezoning or special use permit process take place first, there might be a problem with that unless the current property owners (the Neville's) make the application since there is currently no contract on the property.

It was the consensus of the Board to ask Aldermen Nelson and Anderson to prepare a recommendation to the Board on how to proceed with this matter.

MEMORANDUM OF UNDERSTANDING WITH OWASA

Mr. Morgan stated that for several years now the Town Manager and the Executive Director of OWASA have been working on a Memorandum of Understanding. This memorandum of understanding was requested by the Mayor and Board of Aldermen at an annual retreat. Many of the key issues that were of concern to the Board of Aldermen have been addressed informally by the staffs, however agreeing on the wording of the memorandum of understanding has been a laborious task that has not been finalized. It does not appear that an agreement can be reached at the administrative level. The purpose of this agenda item was to consider sending this memorandum of understanding to the Board of Directors of OWASA for their agreement.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HANK ANDERSON TO SEND THE MEMO OF UNDERSTANDING TO THE OWASA BOARD OF DIRECTORS FOR ITS CONSIDERATION.
VOTE: AFFIRMATIVE ALL

The Board requested that the Town Manager notify the town's OWASA representatives of the Board's action on this matter.

REQUESTS FOR SPECIAL LEGISLATION

Mike Brough presented special legislation which would: (i) authorize the town to levy a motor vehicle tax of \$15.00 per year; (ii) allow the town to require in its land use ordinance that residential developments contain a specified percentage of affordable housing units; and (iii) exempt the town from the requirements of G.S. 44A-26 that construction contracts of more than \$15,000 be accompanied by a performance and a payment bond. In addition, the Board adopted a resolution endorsing an amendment to the General Statutes to authorize local governments to use the proceeds of special obligation bonds for the purchase of land for solid waste management projects.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Michael Nelson.

A RESOLUTION ENDORSING AN AMENDMENT TO THE
GENERAL STATUTES TO AUTHORIZE LOCAL GOVERNMENTS
TO USE THE PROCEEDS OF SPECIAL
OBLIGATION BONDS FOR THE PURCHASE OF LAND FOR
SOLID WASTE MANAGEMENT PROJECTS
Resolution No. 39/94-95

WHEREAS, local governments are authorized under G.S. 159(I)-30 to issue special obligation bonds for the purpose of financing the cost of acquisition or construction of solid waste management projects; and

WHEREAS, G.S. 159(I)-8 prohibits the use of the proceeds of special obligation bonds for the purchase of land for solid waste management projects; and

WHEREAS, the Town of Carrboro, in conjunction with other Orange County local governments, is considering the acquisition of property to be used as a site of a new landfill, and special obligation bonds may be the most useful and cost effective way to finance the costs of the acquisition of such property;

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

Section 1. The Board hereby requests the town's local delegation to seek an amendment to G.S. Chapter 159(1) that would allow the use of the proceeds of the special obligation bonds for the acquisition of land for a solid waste management project.

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 14th day of March, 1995:

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 JACQUELYN GIST AND SECONDED BY RANDY MARSHALL TO AUTHORIZE THE TOWN ATTORNEY TO SUBMIT THE PROPOSED LEGISLATION TO THE TOWN'S LEGISLATIVE DELEGATION. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

REQUEST FOR AMENDMENT TO LAND USE ORDINANCE TO ALLOW PARKING ON RESIDENTIAL PROPERTIES

The Town Manager indicated that Barbara Brown had requested the Board consider an amendment to the Land Use Ordinance to allow for incidental commercial parking on residential properties.

The Board indicated no interest in having the staff pursue this matter.

COMPLAINT FROM RESIDENT OF COBBLESTONE DRIVE/PARKING OF TRACTOR TRAILER

Alderman Anderson stated that he had received a complaint from Grant Zimmerman, a resident of 201 Rockgarden Road' about a tractor trailer parking on Cobblestone Drive and casing damage to property when attempting to turn around.

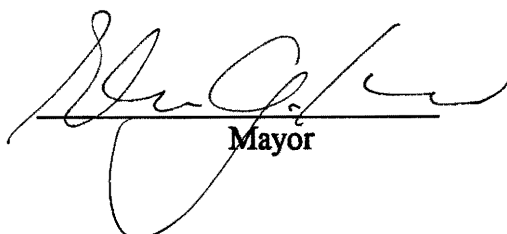
It was the consensus of the Board to ask the person who owns tractor trailer to move it and if they don't agree to do so, to request that Mr. Zimmerman and the owner of the tractor trailer seek mediation to resolve the dispute.

MERGER OF BUS SYSTEMS

Alderman Shetley expressed concern that the Town of Carrboro had not been included in the discussions with Chapel Hill, Durham, Raleigh and the Triangle Transit Authority regarding the merger of the four bus systems.

It was the consensus of the Board to request that Alderman Shetley express the town's concern about being left out of these discussions at the next meeting of TAC as well as having the Mayor contact the other Mayors requesting that Carrboro participate in these discussions.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION AT 9:30 P.M. VOTE: AFFIRMATIVE ALL


Mayor

Town Clerk