

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 9, 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 MICHAEL NELSON AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF MAY 2, 1995 BE APPROVED. VOTE: AFFIRMATIVE ALL

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**AWARD OF GRANT FOR CARR COURT**

Mayor Kinnaird announced that Carr Court has received a three-year grant from the Grable Foundation in the amount of \$10,000 per year for the art program and for a neighborhood coordinator.

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**COMMUNITY LAND TRUST STUDY PRESENTATION**

James Harris, the town's Community and Economic Development Officer, introduced Jeff Blackwell, Julie McGovern and Sonja Caldwell, students with the UNC City and Regional Planning School, who presented a report on the feasibility of starting a Community Land Trust in the Carrboro/Chapel Hill area.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO REQUEST THAT THE TOWN STAFF SUBMIT THIS STUDY TO THE ORANGE HOME COUNCIL FOR FUNDING CONSIDERATION. VOTE: AFFIRMATIVE ALL

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**WORKSESSION: REPORT FROM GUN CONTROL COMMITTEE**

The Board of Aldermen held a worksession with the Gun Control Committee to discuss the majority and minority reports received at the Board's meeting on May 2, 1995.

Mike Robinson gave an overview of the majority report from the Gun Control Study Committee. Mr. Robinson stated that the majority report asks:

- For a ban on the possession of all handguns in Carrboro with the following exceptions:
  1. peace officers;
  2. wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
  3. Members of the Armed Services or Reserve Forces of the United States or National Guard, while in the performance of their official duties.
  4. Peace officers or any person summoned by any peace officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer and if such handgun was provided by the peace officer.
  5. Special agents authorized by the State of North Carolina to carry handguns.

6. Agents and investigators of the state of North Carolina authorized by the State of North Carolina to carry handguns.
7. Transportation of handguns of those persons authorized to possess handguns if the handguns are broken down in a non-functional state or not immediately accessible.

- A ban on possession of semi-automatic assault weapons as defined in the Federal Law, Title 16.
- That the effective date of any ordinance banning assault weapons be one year from the date of ordinance to allow people to dispose of their assault weapons.
- Anyone moving into town after the one-year grace period has expired who is in possession of an assault weapon as defined under the ordinance, that weapon will be turned over to the police or the owner will have six months to dispose of it in a jurisdiction in which it is legal.
- Allow all deadlines and grace periods applying to assault weapons to apply to handguns.

Group II:

- Require that people store guns so they cannot be accessed by children.
- Require parental responsibility for minor child's criminal activities committed with a gun owned by the parents while the child is living at home.
- Require parental responsibility for criminal activities of their minor children.
- Prohibit display of firearms by people using alcohol or drugs.
- Increase penalties for violations of permit requirements.
- Assuming that the town has no permit or registration of guns, ask the town Board to send a resolution to the appropriate agency or person asking them to enact a specific educational and training requirement for the issuance of gun permits.
- Increase penalties for theft of firearms.
- Lobby the county to pass supporting legislation.
- Develop mechanisms for communicating ordinances to citizens including new citizens.
- Develop mechanism/plan for working with youth or for dispute settlement to lessen violence.
- Encourage conflict resolution in schools. Include the effects of violence in school curriculum (personal, social).
- Give police the right to take guns away from persons pending resolution of complaint re: violent acts.
- Ban sale of handguns within the corporate limits.
- Ban permitting or licensing of any business that sells handguns within the corporate limits.
- Ban the sale of handguns within the city limits by a dealer with permits.
- Ban the sale of handguns within the city limits by a person who does not have a license or permit.
- For Carrboro to establish a system of mandatory registration and handgun transfer registration.

John Kessler presented the report submitted by himself and George Sanford. Specifically, the alternate report concludes that:

1. The majority report overemphasizes the use and effectiveness of a ban on handguns to reduce the rare reports of gun violence in our town; to the exclusion of other more effective means.

2. Information provided by Carrboro's legal and law enforcement experts indicated that current federal and state laws and town ordinances provide sufficient police powers and judicial power to control gun-related incidents in a free society.
3. Disarming the lawful citizens of Carrboro will unacceptably increase the overall risk of injury of person or property.
4. Imposing a ban on the possession and sale of handguns is unenforceable, impractical, unconstitutional and with certainty, increases the town's costs in implementing and maintaining this control.

The committee members answered the Board's questions concerning the proposed recommendations.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO ASK THE AGENDA PLANNING COMMITTEE TO SCHEDULE A PUBLIC HEARING, THAT ATTACHMENT D BE USED AS THE BASIS FOR THE PUBLIC HEARING, THAT SPEAKERS WILL BE LIMITED TO ORANGE COUNTY RESIDENTS, THAT THE PUBLIC HEARING BE HELD AT CARRBORO ELEMENTARY SCHOOL, , THAT THE AGENDA PLANNING COMMITTEE SET FORTH GROUND RULES FOR THE PUBLIC HEARING, AND THAT THE ADVERTISEMENT ENCOURAGE CITIZENS TO SEND IN WRITTEN COMMENTS. VOTE: AFFIRMATIVE ALL

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[Alderman Gist left the meeting.]

### **RESOLUTION SUPPORTING FEDERAL LEGISLATION TO MAINTAIN BAN ON ASSAULT WEAPONS**

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

### **RESOLUTION ON SAVING THE ASSAULT WEAPONS BAN**

Resolution No. 51/94-95

WHEREAS, efforts are underway to repeal the gun laws that were included in the 1994 Violent Crime Control and Law Enforcement Act of 1994, which was signed into law by President Clinton on September 13, 1994;

WHEREAS, Congress is considering legislation (HR 1488) which would not only repeal the ban on 19 specific semiautomatic assault weapons and their large capacity ammunition magazines, but also subject cities and towns to fines for enforcing local ordinances banning or limiting firearms; and

WHEREAS, the National League of Cities has declared 1995 as a year for Rethinking Public Safety by creating new partnerships that will lead to positive action increasing public awareness about civic responsibility to ensure safe communities, and strengthening working relationships among levels of government to ensure that public safety is both a community and a national goal; and

WHEREAS, any action to weaken the assault weapons ban and preempt local authority to make decisions about local public safety would represent a giant step backward; and

WHEREAS, the National League of Cities and more than 100 other groups who support common sense gun laws are joining together in a national campaign May 11- 17 to educate the public about the impact of Congress' efforts and to save the assault weapons ban.

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

Section 1. Opposes any effort to weaken the assault weapons ban and preempt local authority to enact and enforce local ordinances limiting firearms.

Section 2. Endorses the efforts of the National League of Cities and other groups to inform citizens about the impact of pending Congressional action and to work with our Congressional delegation to save the assault weapons ban.

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 9th day of May, 1995:

AYES: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaid, Frances Shetley, Jacquelyn Gist, Jay Bryan

NOES: None

ABSENT/EXCUSED: None

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### **REPORT ON ASSEMBLY OF GOVERNMENTS/RECREATION COORDINATION**

At the Assembly of Governments meeting in September, 1994, it was the consensus of this group that local government staffs make recommendations to their governing bodies about opportunities for joint planning and use of capital improvements for recreation and park services. Involvement of both school districts in the county was also requested. The Board of Aldermen received a report on a proposal to undertake this work.

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

#### **A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A RECREATION AND PARKS WORK GROUP, APPOINTING MEMBERS TO SERVE ON THE WORK GROUP AND ESTABLISHING A CHARGE FOR THE WORK GROUP Resolution No. 49/94-95**

WHEREAS, the Board of Aldermen acknowledges a need to review opportunities for joint planning and use of capital improvements for recreation and parks services; and

WHEREAS, the Assembly of Governments has discussed this need and the local governments staffs have recommended a process to explore this option; and

WHEREAS, a work group is necessary to satisfactorily explore and evaluate options to bring recommendations before the local governments for their consideration.

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

Section 1. The Board of Aldermen hereby authorizes the establishment of a Recreation and Parks Work Group and appoints Doris Murrell and Hank Anderson as the Town of Carrboro's representatives on this work group.

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

- ◇ To consider how the governing bodies can provide the best park and recreation services to the most people at the least cost.
- ◇ To report periodically, but not less often than annually, to each of the governing bodies.

Section 3. The first focus for the Recreation and Parks Work Group shall be:

- (a) To explore areas of coordination and joint planning for recreation services and park facilities that can be improved by formal working arrangements with the local school jurisdictions. Because of the enormous use of school buildings and sites for education and public recreation programs and the capital needs of both, it is felt that formal coordination in this area may have the quickest and greatest impact.

**Recommendation:** To develop recommendations for the governing bodies regarding joint planning for recreation resources by the local governments and school boards. As a minimum, a recommendation shall be forthcoming in regards to the "school-park" concept and agreements to govern future planning and development of facilities.

- (b) To consider the possibility of developing a public-private association of recreation providers in Orange County. The purpose of an association could be to share programming information, identify areas of coordination, opportunities to co-sponsor programs and the potential to share facilities. Parties such as the YMCA, the Chapel Hill Tennis Club, the ArtsCenter and the UNC

Faculty-Staff Association, and the parks and recreation departments of the jurisdictions could all be included.

**Recommendation:** To develop recommendations for the governing bodies on the parties to be included, methods of joint planning and cooperation. This report would come after the work group has had at least preliminary contact with all of the potential members.

Section 3. The Work Group is recommended to analyze the two projects and develop a time frame within which to complete its work.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 9th day of May, 1995:

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

Noes: None

Absent or Excused: None

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#### **ESTABLISHMENT OF DISPOSAL FEE FOR SCRAP TIRES AT LANDFILL**

The Landfill Owners' Group at its April 6th budget worksession agreed to request the governing bodies of Carrboro, Chapel Hill and Orange County to authorize the establishment of a disposal fee of \$0.75 each or \$75.00 per ton for tires ineligible for free disposal. The administration recommended the adoption of a resolution authorizing the establishment of this scrap tire disposal fee.

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

#### **A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FEE FOR THE DISPOSAL OF SCRAP TIRES AT THE REGIONAL LANDFILL Resolution No. 52/94-95**

WHEREAS, the Orange Regional Landfill currently does not have an established fee for scrap tire disposal; and

WHEREAS, the State has recently provided guidance to facility operators regarding which tires are ineligible for free disposal; and

WHEREAS, the Orange Regional Landfill occasionally receives tires ineligible for free disposal.

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 fee for scrap tires at \$.75 each tire or \$75.00 per ton.

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 9th day of May, 1995:

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

Noes: None

Absent or Excused: None

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## **ORANGE COUNTY CONSOLIDATED HOUSING PLAN/1995 HOME PROGRAM DESIGN**

James Harris, the town's Community and Economic Development Officer, stated that the purpose of this item was for the Board of Aldermen to consider adopting a resolution approving the Consolidated Plan for Housing and Community Development Programs in Orange County and approve the proposed activities for 1995-96.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Hank Anderson.

### **A RESOLUTION AUTHORIZING THE SUBMISSION OF THE ORANGE COUNTY CONSOLIDATED STRATEGY AND PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS Resolution No. 52/94-95**

Be it resolved by the Carrboro Board of Aldermen that the Board hereby authorizes the Orange County Government, as lead entity for the HOME Program, to submit the Orange County Consolidated Strategy and Plan for Housing and Community Development Programs to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein.

Be it further resolved that the Orange County Manager is hereby designated as the authorized representative of the county to act in connection with the submission of the Consolidated Plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 9th day of May, 1995:

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

Noes: None

Absent or Excused: None

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### **SHAPING ORANGE VISION PROPOSAL**

The Board considered a joint proposal on how to proceed with the proposed "Shaping Orange County's Future" initiative, including designation of a lead agency, project budget, and time schedule.

Mr. Morgan presented the proposed work program, including the time schedule and budget and recommended that the Board use sales tax as the basis for sharing the project costs. Mr. Morgan also requested that the Board appoint two members of the Board to serve on the project steering committee.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON TO APPROVE THE WORK SCHEDULE, THAT THE SALES TAX BASIS BE USED AS THE BASIS FOR SHARING THE PROJECT COSTS AND THAT THE BOARD APPOINT ITS TWO MEMBERS TO THE STEERING COMMITTEE AT THE BOARD'S MEETING ON MAY 16, 1995. AFFIRMATIVE SIX, NEGATIVE ONE (SHETLEY)

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### **SIGNAL AT MCDOUGLE MIDDLE SCHOOL**

Mr. Morgan informed the Board that the signal at McDougle Middle will not be installed by NCDOT until August of 1995.

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### **AN ORDINANCE AMENDING THE TOWN CODE TO AUTHORIZE RESIDENTS AND THEIR GUESTS UNDER SPECIFIED CIRCUMSTANCES TO PARK IN CERTAIN AREAS WHERE PARKING IS OTHERWISE NOT ALLOWED**

The Board requested that this proposed ordinance be placed on the May 16th agenda for consideration.

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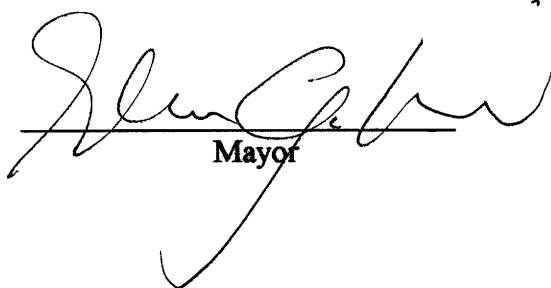
**APPOINTMENT TO PLANNING BOARD**

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON TO appoint Robin Lackey to a non-voting seat on the Planning Board to assist the Planning Board with its Small Area Planning Work Group responsibilities. VOTE: AFFIRMATIVE ALL

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MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY MICHAEL NELSON TO ADJOURN THE MEETING AT 10:50 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk