

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 3, 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 RANDY MARSHAL AND SECONDED BY HANK ANDERSON TO APPROVE THE MINUTES OF SEPTEMBER 26, 1995. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION/PHASE I, LAKE HOGAN FARMS SUBDIVISION**

Dale Redfoot, representing Lake Hogan Farms Subdivision, has submitted a petition requesting annexation of 40.5 acres of Phase I of the Lake Hogan Farms Subdivision. This property is non-contiguous to the town limits, is located at Lake Hogan Farm Road and Homestead Road, and will have 33 dwelling units and 5 acres of recreational area.

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

A RESOLUTION SETTING A PUBLIC HEARING TO  
 CONSIDER THE ANNEXATION OF  
 40.5 ACRES OF PHASE I, LAKE HOGAN FARMS SUBDIVISION  
 UPON THE REQUEST OF THE PROPERTY OWNERS  
 Resolution No. 8/95-96

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Phase I of the Lake Hogan Farms Subdivision requesting that their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen shall hold a public hearing on October 17, 1995 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

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 3rd day of October, 1995:

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

Noes: None

Absent or Excused: None

Absent or Excused: None

\*\*\*\*\*

**ORDINANCE PROHIBITING CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON PUBLIC PROPERTY AND POSSESSION OF OPEN CONTAINERS OF MALT BEVERAGES OR UNFORTIFIED WINES ON PUBLIC PROPERTY**

Chief Callahan stated that the 1995 General Assembly authorized local governments to regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public property. The Police Department requests that the Board of Aldermen consider adopting an ordinance which would prohibit the possession of open containers of malt beverages and unfortified wines by pedestrians on public property.

Chief Callahan stated that the Town of Chapel Hill adopted had adopted an ordinance expanding its regulations of possession and consumption of alcoholic beverages. Since that time Carrboro has experienced an increased incidence of possession of open containers of malt beverages and unfortified wine on public property and concurrently, an increase in related problems such as loitering, consumption of malt beverages and unfortified wine, panhandling, and disturbances. In addition, the town has had two recent inquiries from persons who are considering opening nightclubs in the downtown area. Based upon these factors, it is anticipated that pedestrian traffic will continue to increase in the downtown area and that the problems associated with alcohol consumption will also increase. In an effort to be proactive and able to effectively deal with problems associated with the consumption of alcohol on public property, the Police Department requests that the Board adopt an ordinance amending the Town Code to include the prohibition of possession of open containers of alcoholic beverages on public property.

Calvin Cunningham, President of UNC Student Body, requested that the Board hold a public hearing on this matter prior to taking any action.

Steve Wallace requested that the Board hold a public hearing on this matter.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY RANDY MARSHALL TO REFER THIS MATTER TO THE AGENDA PLANNING COMMITTEE TO SCHEDULE A PUBLIC HEARING.  
VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**DISCUSSION OF GUN CONTROL STUDY COMMITTEE RECOMMENDATIONS**

The Board discussed the following recommendations made by the Gun Control Study Committee:

RECOMMENDATION	Committee Vote
1. Require that people store guns so they cannot be accessed by children.	7 yes 0 no
2. Require parental responsibility for a minor child's criminal activities committed with a gun owned by the parents while the child is living at home.	7 yes 0 no
3. Require parental responsibility for criminal activities of their minor children.	6 yes 3 no
4. Prohibit display of firearms by people using alcohol or drugs.	7 yes 0 no
5. Increase penalties for violations of permit requirements.	7 yes 0 no
6. Assuming that the Town has no permit or registration of guns, ask the Board of Aldermen 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.	4 yes 3 no
7. Increase penalties for theft of firearms.	7 yes 0 no
8. Lobby the County to pass supporting legislation.	7 yes 0 no
9. Develop mechanisms for communicating ordinances to citizens including new citizens.	7 yes 0 no
10. Develop a mechanism/plan for working with youth or dispute settlement to lessen violence. Encourage conflict resolution in schools. Include the effects of violence in school curriculum (personal, societal).	7 yes 0 no
11. Give the police the right to take a gun away from a person pending	8 yes 0 no

resolution of a complaint reference violent acts.	
12. Ban the sale of handguns within the corporate limits.	7 yes 2 no
13. Ban permitting or licensing of any business that sells handguns within the corporate limits.	7 yes 2 no
14. Ban the sale of handguns within the city limits by a dealer with permits.	7 yes 2 no
15. Ban the sale of handguns within the city limits by a person who does not have a license or permit.	6 yes 3 no
16. Ban the possession of semi-automatic handguns in Carrboro with exceptions to be reviewed at a later time.	7 yes 2 no
17. That Carrboro establish a system of mandatory handgun registration and handgun transfers.	6 yes 2 no
18. Petition the state to require liability insurance as condition of ownership of handguns.	6 yes 2 no
19. Prohibit display or carrying of handguns off premises.	5 yes 2 no
20. Prohibit gun ownership to anyone convicted of simple assault, spousal abuse, ex-spousal abuse, or child abuse and domestic partners and any other violent misdemeanors associated with habitation.	6 yes 1 no
21. Ownership of semi-automatic assault weapons as defined in the Federal Law, Title 16, be banned in Carrboro.	6 yes 2 no
22. That the effective date of any ordinance banning assault weapons be one (1) year from the date of the ordinance to allow people to dispose of their assault weapons.	6 yes 2 no
23. Anyone moving into the town after the one-year grace period has expired who is in possession of an assault weapon as defined under the ordinance, turn the weapon over to the police or the owner will have six months to dispose of it in a jurisdiction in which it is legal.	7 yes 1 no
24. Exceptions to the ban of ownership of semi-automatic weapons:	
25. Peace officers;	7 yes 1 no
26. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;	7 yes 1 no
27. Members of the Armed Services or Reserve Forces of the United States or National Guard, while in the performance of their official duties.	7 yes 1 no
28. Peace officers of any persons 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.	7 yes 1 no
29. Special agents authorized by the State of North Carolina to carry handguns.	8 yes 1 no
30. Agents and investigators of the State of North Carolina authorized by the State of North Carolina to carry handguns.	Vote not recorded
31. Licensed gun clubs provided the gun club has premises from which it operates and maintains possession and control of handguns used by its members, and has such handguns in a safe place, under the control of the club's chief officer at all times when they are not being used for target shooting or other sporting or recreational purposes at the premises of the gun club, and gun club members while such members are using their handguns at the gun club premises.	4 yes 4 no
32. Possession of an antique firearm	4 yes 4 no
33. That the Board of Aldermen "craft an exception that is in keeping with the term 'militia' as described in the N.C. Constitution and later codified in the state's legislation."	2 yes 6 no
34. That the Board of Aldermen "craft an exception that is in keeping with the term 'militia' as described in the federal Constitution and later codified in the state's legislation."	2 yes 6 no
35. Transportation of handguns of those persons authorized to possess semi-automatic handguns if the handguns are broken down in a non-functional state or not immediately accessible.	8 yes 0 no
36. That there be a ban against all handguns in the Town of Carrboro.	6 yes 2 no
37. That all exceptions approved for semi-automatic handguns also apply to handguns.	6 yes 2 no
38. All deadlines and grace periods applying to assault weapons to apply to handguns.	7 yes 1 no

MOTION WAS MADE BY JACQUELYN GIST THAT CARRBORO BAN HANDGUNS AND ASSAULT WEAPONS. SECONDED BY JAY BRYAN. VOTE: AFFIRMATIVE TWO, NEGATIVE FIVE (NELSON, MARSHALL, ANDERSON, KINNAIRD, SHETLEY)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO REFER THE GUN CONTROL STUDY COMMITTEE'S RECOMMENDATIONS TO THE TOWN ATTORNEY TO RESEARCH, WITH THE EXCEPTION OF ITEM 3,16,19, AND 27-37. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

### DISCUSSION OF POSTAL SERVICE SURVEY

The purpose of this agenda item was to report to the Board of Aldermen the status of its request to the U.S. Postal Service to enlarge the service area for the Carrboro ZIP Code to encompass current and future municipal boundaries.

Mayor Kinnaird volunteered to rewrite the survey.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY JACQUELYN GIST TO APPROVE THE SURVEY AS REWRITTEN BY MAYOR KINNAIRD THAT THE SURVEY BE FORWARDED TO THE POSTAL SERVICE FOR REVIEW PRIOR TO IT BEING MAILED OUT. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

### DISCUSSION OF COMMUNITY PROJECTS FOR MAKE A DIFFERENCE DAY

The Board was scheduled to discuss possible community projects that might be undertaken for Make-a-Difference Day.

Mayor Kinnaird suggested that painting the farmers market be used as a project.

Alderman Anderson suggested that the Youth Coordinator come up with suggested projects for 1996.

\*\*\*\*\*

### REQUEST FOR STATUS REPORT/BROAD STREET POLICE SUBSTATION

Alderman Bryan requested that the town staff provide a written report on the status of opening a police substation on Broad Street. In addition, Alderman Bryan requested that the Town Attorney review this matter.

\*\*\*\*\*

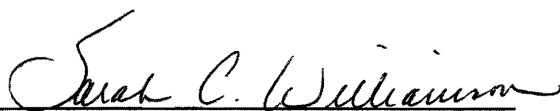
### REGISTRATION FOR ATHLETIC PROGRAMS

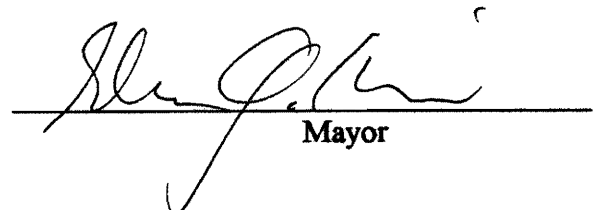
Alderman Gist requested that the town staff check into how Carrboro residents can be given the opportunity to register first for athletic programs. Alderman Anderson requested that this matter be referred to the Recreation and Parks Work Group.

\*\*\*\*\*

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY MICHAEL NELSON THAT THE MEETING BE ADJOURNED AT 9:20 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

  
Town Clerk

  
Mayor