

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 17, 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 JACQUELYN GIST AND SECONDED BY HANK ANDERSON TO APPROVE THE MINUTES OF OCTOBER 10, 1995. VOTE: AFFIRMATIVE ALL

PROCLAMATION READ

Mayor Kinnaird read a proclamation proclaiming October 15-21, 1995 as N.C. Character Counts Week.

UPDATE ON ENERGY EFFICIENCY EFFORTS

Marty Mandell gave a report on her efforts regarding the use of solar energy and other energy efficiency items. Ms. Mandell stated that the State Building Code Council would have to approve an amendment to the state building code in order for Carrboro to require use of solar energy. Ms. Mandell suggested that the Board request that Giles Blunden be appointed to the State Building Code Council.

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT MINOR MODIFICATION/CARRBORO COMMUNITY PARK

The Town of Carrboro has applied for a minor modification to the conditional use permit for the Carrboro Community park which would allow for the installation of lights on Ballfield #1. The administration requested that a public hearing be set for November 21, 1995.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL TO SET A PUBLIC HEARING FOR NOVEMBER 21, 1995. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CLARKE SUBDIVISION

Jim Holland has applied for a conditional use permit on behalf of Peter Clarke which, if granted, would allow for the subdivision of an existing 6.10 acre lot into a 3.906 acre lot and a 2.195 acre lot. This property is located in the watershed and is identified as Tax Map 116, Lot 4. The administration requested that a public hearing be set for November 21, 1995.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON TO SET A PUBLIC HEARING FOR NOVEMBER 21, 1995. VOTE: AFFIRMATIVE ALL

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 administration recommended adoption of an ordinance annexing this property into the town limits effective October 31, 1995.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING 40.5 ACRES OF PHASE I, HOGAN FARMS SUBDIVISION," BE ADOPTED. VOTE: AFFIRMATIVE ALL

REPORT ON ENERGY EFFICIENT CONSTRUCTION

Mike Canova, the town's Building Inspector, presented a report energy efficient construction methods and the town's efforts to encourage the use of energy efficient construction methods for residential and commercial buildings.

Laurie Everhart, with N.C. Citizens Action, stated that her group promotes sustainable communities, including energy efficiency.

David Smith, with the Dept. of Commerce, Energy Division, stated that the state does have tax credits for solar and renewable energy features that can be built into homes.

MOTION WAS MADE BY MICHAEL NELSON AND SECONDED BY RANDY MARSHALL THAT WHEN THE ENVIRONMENTAL REVIEW BOARD IS ESTABLISHED, THAT THEY REVIEW THE BUILDING INSPECTOR'S REPORT ON ENERGY EFFICIENT CONSTRUCTION ALONG WITH MARTY MANDELL'S REPORT ON WAYS TO STRENGTHEN THE TOWN'S ORDINANCE WITH REGARD TO ENERGY EFFICIENCY, IN ADDITION TO THE FOLLOWING ITEMS: STRATEGIES TO FUTURE EDUCATE BUILDERS AND THE GENERAL PUBLIC ABOUT ENERGY EFFICIENCY; INVESTIGATE CRITERIA AND GUIDELINES FOR ENERGY EFFICIENCY; INVESTIGATE REQUIRING BUILDERS TO RECYCLE CONSTRUCTION WASTES; AND LIFE CYCLE COST ANALYSIS OF PUBLIC BUILDINGS. IN ADDITION, IF THE ENVIRONMENTAL REVIEW BOARD IS NOT ESTABLISHED BY 12/1/95, THAT THE AGENDA PLANNING COMMITTEE SCHEDULE A PRESENTATION BY ARNE CATES ON LIFE CYCLE COST ANALYSIS OF PUBLIC BUILDINGS. VOTE: AFFIRMATIVE ALL

REPORT ON REQUEST TO PERMANENTLY CLOSE FOREST COURT ALLEY

Chris Peterson, Public Works Director, presented a report on the request to permanently close Forest Court Alley and to vest all right, title and interest in the alley's right-of-way to the adjacent property owners. Mr. Peterson stated that the adjacent property owners and the Bolin Forest Homeowners Association have signed a Declaration of Covenants and Restrictions dated October 9, 1995 which states that no structure will be constructed on the alley property without the prior written permission of the Homeowners Association for Phase I of Bolin Forest and that the delcarants and their successors in title will landscape the property and maintain it in a neat an orderly condition.

Laurie Graves stated that the alley has never been a cut through property, but that they would not install a fence to prevent elderly residents from walking through this property.

Alderman Gist requested to be excused from voting on this matter since she is a member of the Bolin Forest Homeowners Association.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hank Anderson.

**A RESOLUTION ORDERING THE CLOSING OF
THE 60' WIDE PUBLIC STREET KNOWN AS FOREST COURT ALLEY
Resolution No. 12/95-96**

WHEREAS, the Board of Aldermen at its June 27, 1995 meeting, adopted a resolution declaring its intention to close the public street now known as Forest Court Alley and set a public hearing on this question for August 8, 1995 at 7:30 p.m. in the Town Hall; and

WHEREAS, a copy of this resolution was published in the Chapel Hill News for four (4) successive weeks and a copy of the same resolution was sent by certified mail to the owners of property in the vicinity of the street and a notice of the public hearing was posted in two places along said street, all in accordance with G. S. 160A-299; and

WHEREAS, the Board of Aldermen duly held a public hearing to consider this street closing in question at its regularly scheduled meeting on August 8, 1995; and

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

Section 1. Having heard all of the testimony presented at the public hearing on the proposed closing of the public street known as Forest Court Alley and whereas the adjacent property owners, Christianna Park and Karl Kent Kanoy and Lori J. Riley Graves and Lee M. Graves, and the Bolin Forest Property Owners' Association have resolved all differences regarding the property disposition of the Forest Court Alley, the Board concludes that this street closing is not contrary to the public interest and that no individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his property.

Section 2. Therefore, the Board orders that the public street known as Forest Court Alley be closed and the same is hereby closed.

Section 3. A certified copy of this order shall be filed in the office of the Orange County Register of Deeds.

Section 4. All right, title and interest in the right-of-way closed pursuant to this order shall be conclusively presumed vested in those persons owning the parcels abutting the alley identified by PIN 9779-61-1943 and PIN 9779-61-0797, for the width of the abutting land owned by them, shall extend to the center line of said street.

Section 5. Any person aggrieved by this street closing may appeal this order to the General Court of Justice within thirty (30) days after its adoption.

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 17th day of October, 1995:

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

Noes: None

Absent or Excused: Jacquelyn Gist

RESOLUTION AUTHORIZING SALE OF ITEMS OF TOWN SURPLUS PERSONAL PROPERTY BY PUBLIC AUCTION

The administration requested adoption of a resolution authorizing the sale by public auction or other method allowed by the General Statutes of surplus town personal property and unclaimed property in the possession of the police department.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hank Anderson.

**A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION
OR OTHER METHOD ALLOWED BY THE GENERAL STATUTES
OF SURPLUS TOWN PERSONAL PROPERTY AND UNCLAIMED
PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT
Resolution No. 11/95-96**

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

WHEREAS, the Town is authorized to dispose of unclaimed personal property in the possession of the police department pursuant to G.S. 15-12; and

WHEREAS, the Town desires to dispose of certain items of surplus property and unclaimed personal property in the possession of the police department.

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

Section 1. The following items of Town personal property are hereby declared surplus:

CARS

1979 Dodge Aspen	Car # 24	Asset #0220
1981 Mercury	Car #128	Asset # - Unknown
1985 Ford Crown Victoria	Car #135	Asset #0088
1986 Ford Crown Victoria	Car #137	Asset #0095
1991 Ford Crown Victoria	Car #153	Asset #0602

TRUCKS AND EQUIPMENT

1980 GMC Dump Truck	Asset #0250
1989 Meyers UTS-803 Tailgate Spreader	Asset #4980
1981 Snow Plow (1)	Asset #3736
1979 Snow Plow (1)	Asset #3742
1982 Kubota Tractor	Asset #0263
1989 John Deere F935 72" Diesel Mower	Asset #4969
1989 Roll Bar Assembly for J. Deere Mower	Asset #4975

OTHER ITEMS

Tanaka TLE 550 Edger	Asset # - Unknown
Toolbox, wheeled; Sears Craftsman	Asset #0296
Charcoal grills (2)	Asset # - None

Section 2. The following items are in the possession of the Carrboro Police Department and have remained unclaimed for a period of at least 180 days (30 days for bicycles). Notice of this unclaimed property having been published on September 24 and September 26, 1995, all persons who claim any interest in the following property shall be allowed thirty (30) days to present such claim to the police department. If not claimed, such property shall be sold as provided in this resolution.

BICYCLES: Bianchi Osprey 10 spd. men's purple, Huffy 1 spd. boy's gray, Huffy 1 spd. boy's gray/purple, Nishiki 10 spd. men's gray, Sears 3 spd. men's brown, Trek 21 spd. men's red, Murray 18 spd. men's black/blue, Laser USA 1 spd. boy's red, Raleigh 10 spd. women's rust, Peugeot 18 spd. men's green, Schwinn 10 spd. men's blue, Huffy 18 spd. men's dk. green, Trek 21 spd. men's dk. green, unknown 21 spd. men's black, unknown 18 spd. men's black, Spartan 10 spd. women's blue, Sears 18 spd. women's gray, Trek 10 spd. men's blue, Trek 21 spd. men's purple, Murray 1 spd. boy's black/orange, Peugeot 10 spd. men's black, Murray 10 spd. girl's Carolina blue, Huffy 10 spd. women's red, Columbia 10 spd. women's gray, Firenze 10 spd. women's brown, Concord 12 spd. men's blue, unknown 12 spd. men's black, Trek 21 spd. men's black, Huffy 10 spd. girl's pink/purple, Cannondale 21 spd. men's blue/gray, Huffy 10 spd. men's blue, HC 5 spd. boy's black, Huffy 15 spd. men's blue, unknown 21 spd. men's black, Huffy 18 spd. boy's gray, Fuji 10 spd. men's black, Diamond Back 18 spd. men's teal, 4000 GTX 12 spd. men's black, Huffy 10 spd. men's red, Free Spirit 10 spd. women's gold, Giant 6 spd. girl's purple, Pinnacle 10 spd. men's red, Maruishi 10 spd. men's silver, Specialized 18 spd. men's red/green, Windsprint 12 spd. men's red, Schwinn 10 spd. women's blue, Huffy frame men's black, Peugeot 10 spd. women's white.

MOPEDS: Tomos "Bullet" blue, Trac red, Puch black, JC Penny Pinto yellow, unknown "Biturbo" dk. blue.

STEREO EQUIPMENT: Power Logic amp, AIWA power amp, Sony power amp, Proton 222 power amp, Coustic power amp, Alpine power amp, Kenwood amp, Panasonic car/portable CD player, Sanyo car CD player, Kenwood graphic equalizer, Magnavox VCR, DBX stereo cassette deck, Hitachi portable cassette recorder, tweeter speaker, Pioneer 3-way 80 watt speaker, Blue Thunder speaker box, Denon CD player, Denon AV receiver, Yamaha turntable, ADS speakers.

SPORTS EQUIPMENT: Wilson tennis racquet, rollerblade pads, baseball/softball gloves, basketballs.

MISCELLANEOUS ITEMS: watches, rings, clothing, wallets, sunglasses, cassette tapes and cassette carrying case, bags, tire iron, "piggy" bank, various remotes, small cedar box, other items.

Section 3. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 and the unclaimed property listed in Section 2 at public auction in accordance with statutory requirements.

Section 4. A public auction shall take place on Saturday, November 4, 1995 at 10.00 a.m. at the Carrboro Public Works Facility.

Section 5. The terms of the sale shall be to the highest bidder for cash (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

Section 6. All items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of merchantability or any other implied or express warranty and assumes no responsibility for any of the items.

Section 7. It shall be a condition of the sale that all items purchased shall be picked up and removed from the premises of the Public Works facility by 1:30 p.m. on the day of the auction. Purchasers shall bear sole risk of loss of any items remaining on said premises past such time.

Section 8. If any of the property listed in this resolution is not sold at the public auction, the Purchasing Officer is hereby authorized to sell said surplus property by sealed bid, private negotiated sale or other appropriate manner authorized by the General Statutes and approved by the Town Manager.

Section 9. 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 17th 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

REPORT ON SUSTAINABLE DEVELOPMENT

The purpose of this agenda item was to present information to the Board regarding sustainable development principles. This report was requested by the Board at the 1995 Planning Retreat.

Lisa Bloom Pruitt, the town's Senior Planner, stated that sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs. A recent report by graduate students in the UNC-CH Department of City and Regional Planning outlines the following objectives of sustainable development: creation of healthy living environments that fulfill basic human needs; balance of social, economic, and environmental concerns in decision-making; protection, restoration, and maintenance of ecological integrity; conservation and efficient use of energy and natural resources; and achievement of equity, human dignity, and social justice. Ms. Bloom-Pruitt stated that the administration recommended that the Board consider holding a visioning session with Carrboro's citizens, and that the town staff outline a program for developing a sustainable development policy and process for implementation measures.

It was the consensus of the Board to request that the town staff investigate the possibility of having UNC Planning Interns prepare a sustainable development report for Carrboro.

REPORT ON WATERSHED PROTECTION COMMITMENT AND PROCESSING EXCEPTIONS

Roy Williford, Planning and Economic Development Director, stated that the Board of Aldermen at its 1995 annual retreat requested a report regarding the town's commitment toward protecting the University Lake Watershed and to discuss ways for processing exceptions to the town's regulations. Mr. Williford presented the report.

Alderman Marshall requested that a copy of the town staff's report be sent to Orange County and Chapel Hill with the request that Orange County give the town a similar report. Also that a copy be sent to the League of Women Voters.

REPORT ON BOLIN CREEK - EROSION CONTROL, WATER QUALITY AND STORMWATER MANAGEMENT

The Board received a presentation on erosion control by Warren Faircloth and a presentation by Kraig Marquis on water quality and water quantity in the area of Bolin Creek.

Warren Faircloth, with Orange County Erosion Control, presented slides of typical erosion control measures used in Orange County. Mr. Faircloth stated that they are working on design standards for erosion control measures.

Kraig Marquis explained the water quality monitoring program that he has been working on in Carrboro and Chapel Hill. Mr. Marquis also presented slides of water quantity monitoring in Chapel Hill.

The Board requested that the Agenda Planning Committee schedule a discussion item to process the information submitted tonight.

PEDESTRIANS CROSSING HILLSBOROUGH ROAD AT JAMES STREET

Alderman Shetley requested that the Police Department patrol Hillsborough Road in the vicinity of James Street to monitor children crossing the street at that location.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION TO DISCUSS ACQUISITION OF PROPERTY AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

Sarah C. Williamson
Town Clerk

[Signature]
Mayor