A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 27, 1997 at 7:30 P.M. in the Town Hall Board Room.

PRESENT AND PRESIDING:

MAYOR Michael N. Nelson ALDERMEN Hank Anderson

Jay Bryan

Hilliard Caldwell
Jacquelyn Gist
Alex Zaffron

ABSENT/EXCUSED Diana McDuffee

TOWN MANAGER Robert W. Morgan
TOWN ATTORNEY Michael B. Brough
DEPUTY TOWN CLERK James E. Spivey

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO ADOPT THE MAY 20, 1997 MINUTES. VOTE: AFFIRMATIVE ALL.

PROCLAMATION ISSUED

Mayor Nelson read a proclamation proclaiming June 7-8, 1997 to be Youth Weekend in the Town of Carrboro.

LETTER FROM SARATOV, RUSSIA

Mayor Nelson read a letter from Saratov, Russia, sister city of the Town of Carrboro, conveying Easter greetings to the Town.

UPDATE REGARDING CAPTAIN ROBERT CRABTREE'S CONDITION

Mayor Nelson reported that Captain Crabtree's condition was stable and surgery is scheduled to take place within the next day or so. Mayor Nelson stated that a telephone line had been established for persons who wanted to convey concerns or offer assistance. The telephone number is (919) 968-7745.

CONTINUED PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST/KENT WOODLANDS SUBDIVISION

The Board of Aldermen continued this public hearing from May 20, 1997 to review an application for a conditional use permit which would allow for development of a 26-unit, subdivision for single-family residences. The Board requested information concerning the clearing of easements to allow for construction of sewer mains for the Kent Woodlands subdivision.

OWASA submitted information to the staff and Board today.

Michael Brough, Town Attorney, informed the Board that the Land Use Ordinance does not presently address the issue of what permit would have been required regarding the clearing of OWASA easements and the location of sewer lines.

Phil Post, engineer of the proposed subdivision, stated that there were several issues brought up by the Cobble Ridge residents but the main concern was construction access.

Mr. Brough stated that all new information submitted should become part of the public record regarding this matter.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE PUBLIC HEARING BE CONTINUED UNTIL THE BOARD'S JUNE 03, 1997 MEETING TO ALLOW THE BOARD TIME TO REVIEW THE INFORMATION SUBMITTED TODAY. VOTE: AFFIRMATIVE ALL.

Phil Post stated that the Town's zoning administrator was informed of the clearing of the easement within the Carrboro jurisdiction.

Alderman Bryan requested that staff visit the site to see the areas that have been cleared within the Carrboro jurisdiction and review the Land Use Ordinance regarding creek protection.

Alderman Zaffron requested that the Town Attorney prepare recommendations to address the "holes" in the Land Use Ordinance regarding permits required for the clearing of OWASA easements.

PUBLIC HEARING: 1997-98 MANAGER'S RECOMMENDED BUDGET

The Board received citizen's comments on the Manager's recommended budget for Fiscal 1997-98. In addition, the town staff has invited representatives from agencies who have submitted requests for funding that were not considered by the Human Services Commission to attend tonight's public hearing to make brief comments on their requests.

Robert Dowling, representing Orange Community Housing Corporation, thanked the Board for its past financial assistance and stated that financial assistance was being requested for FY' 1997-98.

Allen Spalt, representing the Board of Adjustment, requested that additional staff be added to the Zoning Division.

Steve Wallace encouraged the Board to dissolve the Town's DARE (Drug Abuse Resistance Education) Program. Mr. Wallace presented published newspaper articles and statistics regarding DARE Programs.

Ellen Perry voiced concern that with the proposed budget, taxes will increase. Ms. Perry stated that the elderly and the handicapped cannot afford an increase in taxes. Ms. Perry suggested that purchasing shirts for the Pu Works staff should be brought in bulk and possibly enter into an agreement with Chapel Hill to make the purchase.

Eileen Helton, the ArtsCenter, thanked the Board for past financial assistance and any future financial assistance given to the ArtsCenter. Ms. Helton submitted a summary of highlights of the ArtsCenter.

Miles Pressler, co-director of Empowerment, Inc., reminded the Board of Empowerment Inc.'s request for \$10,000 for FY 1997-98.

WORKSESSION/LAND USE ORDINANCE TEXT AMENDMENT TO CLARIFY PROVISIONS REGARDING OPEN SPACE

Lisa Bloom-Pruitt, Senior Planner, explained that the purpose of this item is for the Mayor and Board of Aldermen to hold a worksession on open space regulations. Ms. Bloom-Pruitt gave an historical review of the 40% open space requirement.

It was the consensus of the Board to have these items brought back to the Board separately and that the items should be very specific in regards to the issue that requires direction/guidance from the Board. Additionally, staff was directed to provide examples of each of the alternatives.

INTERLOCAL AGREEMENT FOR DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE

The Mayor and Board of Aldermen were requested to consider adopting a resolution authorizing the Mayor to execute and amendment to the Interlocal Cooperative Agreement for Disposal of Household Hazardous Waste.

The Board suggested that the Triangle J COG submit an annual report of the work performed under the Agreement at least thirty (30) days prior to the expiration of the contract.

The following resolution was introduced by Alderman Hank Anderson and duly seconded by Alderman Alex Zaffron.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT AGREEMENT WITH THE COUNTY OF CHATHAM, COUNTY OF DURHAM, COUNTY OF ORANGE, COUNTY OF WAKE, TOWN OF CARRBORO, TOWN OF CHAPEL HILL AND THE CITY OF DURHAM TO CONTRACT WITH THE TRIANGLE J COUNCIL OF GOVERNMENTS FOR THE REGIONAL ADMINISTRATION OF HOUSEHOLD HAZARDOUS WASTE COLLECTION

Resolution No.52/96-97

WHEREAS, the governing bodies of the units of local government of the Counties of Chatham, Durham, Orange and Wake; the City of Durham, and the Towns of Carrboro and Chapel Hill entered into an interlocal agreement regarding cooperation on household hazardous waste collection on August 8, 1994;

WHEREAS, the aforementioned Interlocal Agreement has been successful in establishing and maintaining a regionally-coordinated program for the collection of household hazardous waste and the education of the public concerning household hazardous waste; and;

WHEREAS, these same governing bodies wish to amend the aforementioned Interlocal Agreement so as to provide for automatic renewal of this Interlocal Agreement unless a governing body wishes to withdraw and such governing body notifies the other governing bodies in writing thirty days prior to the expiration of a one-year term of their desire to terminate this Interlocal Agreement, in which case the term shall end as scheduled on that year's June 30. One parties' withdrawal from this agreement does not automatically terminate the agreement.

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

Section 1. The Board of Aldermen hereby authorizes the Mayor to execute and be attested to by the Town Clerk an amendment entitled "Amendment to Interlocal Cooperative Agreement for Disposal of Household Hazardous Waste."

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 26th day of May, 1997:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: Diana McDuffee

REPORT ON COMMERCIAL SPACE AVAILABILITY

James Harris, Assistant to the Town Manager, stated that the purpose of this item was to present to the Board of Aldermen a report on what staff does to try to fill vacant commercial space in the Town of Carrboro. The activities presented cover not only what the Manager's Office does but what other related departments and external agencies do to promote economic development and recruitment of new business to fill vacant space in Carrboro. Mr. Harris presented the report to the Board.

By consensus, the Board directed:

- 1. The Downtown Development Commission's (DDC) charge should be expanded to include all commercial areas within the Town of Carrboro.
- 2. The composition of the DDC be expanded to include citizen representatives of the neighborhoods and communities that abut and/or are impacted by the commercial areas within the Town of Carrboro.
- 3. The DDC comment on how to implement a process to filling vacant commercial spaces in Carrboro and those comments are to be brought back to the Board of Aldermen.
- 4. That invitations be extended to businesses not represented on the DDC to attend the DDC meeting at which a process to fill vacant commercial spaces will be discussed.

- 5. That the Board of Aldermen be given status reports regarding proposed building beside the Revco Store at Carr Mill Mall.
- 6. That the Board of Aldermen receive bi-annual reports regarding economic development within the Town.

Alderman Gist requested that she receive a listing of all businesses within the Town and that minority-owned businesses be specified.

RECREATION AND PARKS COORDINATION REPORT

The Board of Aldermen passed a resolution supporting improved delivery of recreation and park services and combined school/park initiatives and directed the Managers of local governments to provide a report on the subject. All members of the Orange County Assembly of Governments passed similar resolutions. The attached report represents these efforts. A memorandum was given to the Board which provided a summary, background, discussion and recommendations. The purpose of this item was to submit the report for Board review and discuss the recommendations contained therein.

MOTION WAS MADE BY HAND ANDERSON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE TOWN MANAGER TO WORK WITH THE MANAGERS OF CHAPEL HILL AND ORANGE COUNTY TO IMPLEMENT THE FOLLOWING:

- 1. Modify the purposes of the Orange County "Master Recreation and Park Plan" to be a joint long-range capital facility plan for Carrboro, Chapel Hill, and Orange County, intended for adoption by each jurisdiction. Adjust staffing and advisory groups as appropriate for the broader purpose.
- 2. Direct staff to conduct a countywide needs assessment for recreation programming.
- 3. Following completion of the joint long-range capital facilities plan, begin identifying opportunities for coordination of programs on an incremental basis.
- 4. Develop for consideration of the governmental and school jurisdictions a proposed process to develop a formal plan for joint use and site selection of future school and parks sites. It is desirable that these plans lead to the adoption of a formal agreement (similar to the one in use in Wake County) on school facility use and that such agreements would guide all future site acquisition of school and parkland.

VOTE: AFFIRMATIVE ALL.

REVISED SCHEDULE FOR CHURCH FINANCING

The Board received a revised schedule for church financing. The revised schedule received by the Board is as follows:

ACTIVITIES	DATE
	th
Establish the public process	Tuesday, May 6 th
Set the public hearing date	Tuesday, May 13 th
Authorize the Asst. Town Manager to solicit financing proposals	Tuesday, May 13 th
Publish notice of public hearing and open house	Sunday, May 18th and Sunday, May 25th
Mayor and Board of Aldermen approve information brochure	Tuesday, May 20th
Mail information brochure to all single family and multi-family property owners by first class mail	Friday, May 30 th
Publish legal advertisement for public hearing	Friday, May 30 th
Get proposals from financial institutions	Friday, June 6 th
Church and Town Hall Open House	Saturday, June 7 th 1-4 p.m.
Public hearing on whether to purchase the Church property and how to finance the purchase	Monday, June 9 th
Board makes its decision on purchasing the church property	Tuesday, June 17 th
Board selects financial institution for financing purchase	Tuesday, June 17 th
Board adopts resolution to submit application to the Local Government Commission	Tuesday, June 17 th

Application submitted to Local Government Commission	Thursday, June 19 th
Local Government Commission considers/approves application	Tuesday, July 1st
Tentative closing date	Thursday, July 3 rd

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY JAY BRYAN TO ACCEPT THE REVISED SCHEDULE FOR CHURCH FINANCING. VOTE: AFFIRMATIVE ALL.

DIRECTIONAL SIGNS AT THE TOWN HALL

Staff was informed that the directional signs at the Town Hall needs attention to correct spelling and the literal interpretation of Spanish.

DEPOSIT ACCOUNT AND/OR CERTIFICATES OF DEPOSIT

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION OPENING AND MAINTAINING A DEPOSIT ACCOUNT AND/OR CERTIFICATES OF DEPOSIT Resolution No. 57/96-97

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. Nations Bank of North Carolina is hereby designated as a depository of the Town of Carrboro and a deposit account and/or certificates of deposit are opened and maintained in the name of the Town of Carrboro in accordance with the applicable rules and/or certificates of deposit be opened and maintained in the name of the Town of Carrboro with said Bank in accordance with the applicable rules and regulations for such an account; that any one of the following officers or employees of the Town of Carrboro:

Robert W. Morgan, Town Manager

William Laurence Gibson, Jr., Assistant Town Manager

Sheila R. Lee, Accounting Officer

is hereby authorized, on behalf of the Town of Carrboro, and in its name to sign checks, drafts, notes, bills of exchange, acceptances, certificates of deposit or other orders for the payment of money; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by the Town of Carrboro for deposit with said Bank or for collection or discount by said Bank; to accept drafts, acceptances, and other instruments payable at said Bank; to place orders with said Bank for the purchase and sale of foreign currencies on behalf of the Town of Carrboro; to execute and deliver an electronic funds transfer agreement and to appoint and delegate, from time to time, such persons who may request transfers on behalf of the Town of Carrboro; to establish and maintain a night deposit relationship; to waive presentment, demand, protest, and notice of protest, or dishonor of any check, note, bill, draft, or other instrument made, drawn, or endorsed by the Town of Carrboro;

- Section 2. Nations Bank of North Carolina is hereby authorized to honor, receive, certify, or pay all instruments signed in accordance with this resolution even though drawn or endorsed to the order of any officer or employee signing the same or tendered by him for cashing, or in payment of the individual obligation of such officer or employee, or for deposit to his personal account, and said Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application or disposition of such instrument or the proceeds thereof.
- Section 3. Nations Bank is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the Town of Carrboro's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature of the specified number of the foregoing officers or employees of the Town of Carrboro and Nations Bank shall be entitled to honor and to charge the Town of Carrboro for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported signature or signatures thereon may

have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with Nations Bank by the Town Clerk.

- Section 4. The Town Clerk of the Town of Carrboro shall certify to said Bank the name of the persons who are at present authorized to act on behalf of the Town of Carrboro under the foregoing resolution and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Town Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified.
- Section 5. This resolution shall remain in full force and effect until written notice of its amendment rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by Bank prior thereto.
- Section 6. All transactions by any of the officers or employees of the Town of Carrboro on its behalf, and in its name, with Nations Bank prior to the delivery to said Bank of a certified copy of this resolution is in all respects hereby ratified, confirmed, approved and adopted.
- Section 7. The Town Clerk is hereby authorized and directed to certify this resolution to Nations Bank and that the provisions thereof are in conformity with the Charter of the Town of Carrboro.
 - Section 8. 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 27th day of May, 1997:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: Diana McDuffee

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE OPEN SESSION OF THE MEETING AND GO INTO CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION. VOTE: AFFIRMATIVE ALL.

Mayor Mayor