

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 22, 1998 at 7:30 p.m. in the Town Hall Board Room.

PRESENT AND PRESIDING:

Mayor	Michael Nelson
Aldermen	Hank Anderson
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

ABSENT:

Alderman	Hank Anderson
Alderman	Hilliard Caldwell

APPROVAL OF MINUTES

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE SEPTEMBER 8, 1998 MINUTES. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

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

Annually, the Town of Carrboro conducts a public auction to sell surplus property. Prior to disposing of the items, NC General Statute 160A-270 requires that the Board approve a resolution to declare the property as surplus and authorize the sale of these items.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

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. 8/98-99

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

1989 Ford Crown Victoria (#147)
1991 Ford Crown Victoria (#155)
1987 Chevrolet Caprice (#140)

TRUCKS

1987 Ford Dump truck F700
1983 Chevrolet truck (#44)

EQUIPMENT

Wacher reciprocating tamp
 Parts washer
 Battery charger, model 32-140
 Leaf vacuum, ODB with box (#75)
 Honda GX120 water pump with engine
 Stihl FS74 line trimmer
 Balamatic 3 point hitch cone spreader
 Water tank, 1000 gallon

OFFICE EQUIPMENT AND FURNITURE

IBM computer with keyboard and monitor
 Large wood frame
 Fold up wooden table
 Assorted office supplies (including obsolete items and unused items)
 NCR computers (2)
 Monitors (3: Packard Bell, Samsung, NCR)
 NCR keyboard
 High back desk chair
 Assorted computers (8)
 Brother fax machine and paper
 Answering machines (2)
 Dictaphone machine
 Star NX-1000 dot matrix printer w/supplies
 Assorted diskette holders
 Calculator, printing
 Typewriter supplies
 Cordless Extension phone unit
 Colorburst instant camera
 Unitech VHS VCR

OTHER ITEMS

Miscellaneous tent and tarp poles
 Bunting cloth
 Tennis ball machine
 Assorted aluminum signs of various sizes
 Fire Department assorted uniforms and boots
 Police Department assorted uniforms and coats

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 (60 days for bicycles). Notice of this unclaimed property having been published on September 13, 1998 and September 14, 1998 in the Durham Herald – Chapel Hill Section, The Village Advocate and The Daily Tarheel, all persons who claim any interest in the following property shall be allowed thirty (30) days to present such claim to the Police Department or Purchasing Officer. If not claimed, such property shall be sold as provided in this resolution.

BICYCLES:

Thirty-eight bicycles including Huffy Ultra light 10 speed, Hedstrom child's bike, Raleigh Youth 18 speed, Huffy mountain 18 speed, Murray Puppy Luv child's bike, Rallye Northstar child's bike, RBC youth 6 speed, Paragon youth 6 speed, Roadmaster ATB 15 speed, Murray Ultra Terrain 18 speed, Huffy Expedition mountain 10 speed, Laser youth bike, BMX Magna youth bike, Catalina Pacific youth 15 speed, Raleigh Technium mountain bike, Roadmaster Hot Shock 15 speed, unknown brand mountain 10-15 speed, Schwinn Sprint 10 speed, Huffy Racing Strider 10 speed, Nishiki Blazar 12 or 18 speed, Murray Spectra racing 10 speed, Raleigh mountain 18 speed, Schwinn racing 10 speed, Murray Phoenix youth 10 speed, Roadmaster USA mountain 10 or 15 speed, Raleigh racing 10 speed, Schwinn mountain 10 speed, Kent Sierra Madre mountain 12 speed, Triumph 3 speed, unknown brand mountain 10 speed, Takarch Avenir 10 speed, Jannis mountain 12 speed, King Fisher mountain 10 speed, Columbia USA racing 10 speed, Quick Silver 21 speed, Free Spirit Iron Mountain 12 speed, Huffy Durosport 10 speed, Dynasty ATB 10 speed, and Concorde Coupe de Ville 21 speed.

SPORTS EQUIPMENT

Basketballs, bike helmet and softball gloves.

STEREO & COMPUTER EQUIPMENT

KFC computer monitor
 CD holder with cds
 Teac Multidisc player
 Emerson stereo with speakers
 Subwoofer
 Boom box

MISCELLANEOUS ITEMS

One watch, purses, backpacks, adult and youth jackets and assorted clothing, shoes, one pair of sunglasses, a blanket, an umbrella, vaporizer, books, first aid kit, trophies, leather jacket, coin wrappers and a towel.

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, October 17, 1998 at 10.00 a.m. at the Carrboro Public Works Facility. The public may view items beginning at 9:00 a.m. on that day.

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 warrantee 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 1:30p.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 forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22th day of September, 1998:

Ayes: Alex Zaffron, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: Hank Anderson, Hilliard Caldwell

TOWN CODE AMENDMENT/PROHIBITION OF MOTOR VEHICLES ON SIDEWALKS

The purpose of this item was for the Board of Aldermen to consider amending the Town Code to prohibit riding lawn mowers on sidewalks.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT THIS ITEM BE RE-SCHEDULED FOR CONSIDERATION AT THE BOARD'S OCTOBER 06, 1998

MEETING TO ALLOW THE TOWN ATTORNEY TIME TO RESEARCH AND DETERMINE THE MOST APPROPRIATE TERMINOLOGY TO REFERENCE THE MODE OF TRANSPORTATION THE PROPOSED AMENDMENT IS INTENDED TO AFFECT. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

APPOINTMENTS TO APPEARANCE COMMISSION/NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION

The Board of Aldermen was requested to consider appointing Sophie Piesse and Cara Crisler to the Appearance Commission/NPDC.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPOINT SOPHIE PIESSE AND CARA CRISTLER TO THE APPEARANCE COMMISSION/NPDC. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

APPOINTMENT TO DOWNTOWN DEVELOPMENT COMMISSION

The Board of Aldermen was requested to consider appointing Amy Singleton to the Downtown Development Commission.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPOINT AMY SINGLETON TO THE DOWNTOWN DEVELOPMENT COMMISSION. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

PUBLIC HEARING/1998 COMMUNITY REVITALIZATION GRANT APPLICATION

Funds are made available annually through the N.C. Community Assistance Program to address community needs for low-income families and individuals. These funds are available through a competitive grant process that requires citizen participation. The citizen participation process requires two (2) public hearings. The purpose of this item was to receive public comment on the application, which will be submitted to the State for consideration for funding.

James Harris, Community & Economic Development Director, presented an overview of the Town of Carrboro's 1999/2000 Community Development Block Grant Application.

Roy Atwater, Carr Court resident, voiced support of the proposed 1999/2000 Community Development Block Grant.

Carolyn Briggs, resident of the Lincoln Park Subdivision, requested that the Lincoln Park Subdivision be included in the proposed block grant to receive assistance in home rehabilitation.

Mr. Harris informed the Board that it was too late to include the Lincoln Park Subdivision in the 1999/2000 Community Development Block Grant. However, he stated that HOME funds will be available in the Spring 1999 and those funds could, with Board authorization, be used to address some of the home repair needs of the Lincoln Park Subdivision residents.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT THE PUBLIC HEARING BE CLOSED. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Alex Zaffron.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SUBMIT A CDBG APPLICATION

Resolution No. 9/98-99

WHEREAS, the Town of Carrboro has identified areas of scattered housing needs within its jurisdiction; and

WHEREAS, the Town of Carrboro acknowledges that funds are available through the N.C. Department of Commerce, Community Development Block Grant Program, to address those needs which benefit at least 51% low to moderate income persons; and

WHEREAS, the citizens participation requirements of conducting two public hearings to support the application have been met.

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

Section 1. The Board of Aldermen hereby directs the Town Manager to act as the official representative of the town in connection with the CDBG Application and to provide any additional information as needed.

Section 2. The Board of Aldermen directs the Town Manager to submit a Community Revitalization Grant Application to the Department of Commerce for the 1998 funding cycle and hereby authorizes the Mayor to execute said application.

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 22nd day of September, 1998:

Ayes: Alex Zaffron, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: Hank Anderson, Hilliard Caldwell

CONSIDERATION OF WASTE RESOLUTIONS

Alderman Spalt proposed the following resolutions for the Board's consideration: (a) a resolution supporting the creation of a zero waste plan; and (b) a resolution relating to management of waste from manufactured products and packaging.

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION RELATING TO MANAGEMENT OF WASTE FROM MANUFACTURED PRODUCTS AND PACKAGING

Resolution No. 10/98-99

Whereas, approximately 7500 tons of waste will be landfilled by the Town of Carrboro during the current fiscal year (1998-99); and,

Whereas, the cost to the taxpayers of the Town of Carrboro for collecting and landfilling those wastes is estimated at \$773,000; and,

Whereas, the United States Environmental Protection Agency estimates that over 70 percent of these wastes are manufactured products, including 'durable' goods (appliances, furniture, and tires), 'nondurable' goods (newspapers, magazines, office paper, junk mail, diapers, and household items) and packaging (cans, bottles, cartons, bags and wraps); and,

Whereas, decisions about manufacture of these products are made by producers with little regard for the need for waste prevention and recycling; and,

Whereas, the responsibility for managing these discarded products falls entirely on the citizens of our community; and,

Whereas, the continued wasting of these products through landfilling or incineration results in the depletion of our natural resources and the pollution of our environment, now and for the indefinite future; and,

Whereas, waste prevention, reuse, recycling and composting are materials management options that conserve these resources while reducing the environmental impacts which accrue from extracting these resources from the environment; and,

Whereas, the success of waste prevention, reuse, recycling and composting programs depends upon efforts by producers to take responsibility for minimizing waste and utilizing recovered resources;

NOW, THEREFORE, THE CARRBORO BOARD OF ALDERMEN RESOLVES:

Section 1. The Board of Aldermen considers the responsibility to manage waste from manufactured products and packaging represents an "unfunded mandate" on its citizens.

Section 2. Producers should share the responsibility for eliminating this waste--through eliminating excess packaging, designing products for durability, reusability and recyclability; using recycled materials; and providing financial support for collection, processing, recycling and disposal of used materials.

Section 3. The N.C. General Assembly and U.S. Congress should adopt legislation to shift the burden of managing discarded products and packaging from local governments to the producers of those products and requests our delegations to sponsor such legislation.

Section 4. This change in policy should be undertaken as part of a broad effort to eliminate waste by consumers, government, and business.

Section 5. 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 22nd day of September, 1998:

Ayes: Alex Zaffron, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: NONE

Absent or Excused: Hank Anderson, Hilliard Caldwell

The following resolution was introduced by Alderman Allen Spalt and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION SUPPORTING THE CREATION OF A ZERO WASTE PLAN
Resolution No. 11/98-99

Whereas, the placement of materials in waste disposal facilities, such as landfills and incinerators, causes damage to human health, wastes natural resources and wrongly transfers liabilities to future generations; and,

Whereas, the elimination of specified types of waste for disposal, also known as disposal bans, will protect states from waste importation from other states and nations; and,

Whereas, consumers are currently forced to assume the high financial cost of collecting, recycling, and disposing of materials; and,

Whereas, tax subsidies for waste and virgin materials send the wrong economic signals to both consumers and producers; and,

Whereas, a resource recovery-based economy will create and sustain more productive and meaningful jobs; and,

Whereas, increasingly, U.S. and international governments and organizations are adopting the policy that the financial responsibility of collecting, recycling, and disposing of materials belongs with producers; and,

Whereas, producers should design products to ensure that they can be safely recycled back into the marketplace or nature; and,

Whereas, most types of waste streams can be eliminated through across-the-board minimum recycling content laws, the use of non-toxic alternatives in product design, and local composting facilities; and,

Whereas, recognizing that some presently non-recyclable materials are necessary for public health and national security, in which case, retrievable storage is the only safe alternative; and,

Whereas, recognizing that voluntary recycling goals have not, and in all probability cannot, achieve waste elimination; and,

Whereas, with the understanding that government is ultimately responsible for leading by example and establishing criteria needed to eliminate waste, so that manufacturers produce and businesses sell materials that can be safely recycled or composted.

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

Section 1. The Board of Aldermen supports the creation of a Zero Waste Plan in order to eliminate waste and pollution in the manufacture, use, storage, and recycling of materials.

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 22nd day of September, 1998:

Ayes: Alex Zaffron, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: NONE

Absent or Excused: Hank Anderson, Hilliard Caldwell

The Board directed staff to forward these resolutions to the Town's state and national representative delegation, the North Carolina League of Municipalities.

REPORT ON ORANGE COUNTY SENIOR CENTER

The Town Manager has participated in a planning committee on aging resources. Orange County requested that this committee make a recommendation concerning a site for a senior center in southern Orange County. This agenda item was to receive input from the Mayor and Board of Aldermen concerning the proposed sites.

Alderman Gist questioned whether input had been solicited and received from long-term elderly residents and/or the elderly poor; voiced concern that the composition of the committee is not representative of the citizenry for which the center is to be used. Alderman Gist questioned why activity centers are age-segregated? She also suggested that use of school space for these activities be considered.

Alderman Zaffron voiced concern that the decision-making process is flawed and voiced concern of the composition of the committee. Alderman Zaffron questioned the future of the existing senior centers – will they continue to exist or will they be consolidated and housed in the proposed new senior center?

Alderman McDuffee also voiced concern regarding the composition of the committee and its lack of representation of the diverse elderly citizenry. Alderman McDuffee stated that of the proposed sites for the senior center, the Willow Drive site seems to be the best.

Alderman Spalt stated that more information is needed regarding the future of the existing senior center facilities; that a more diverse group of elderly should be included in the decision-making process; that consideration should be given to reviewing multiple smaller sites; and that none of the proposed sites are good from a short-term perspective. However, Alderman Spalt stated that the proposed sites might be more acceptable from a long-term perspective.

Mayor Nelson stated that steps should be taken to reach out to and receive input from the diverse elderly population regarding this matter.

By consensus, the Mayor and Board of Aldermen directed that a letter be forwarded to the County Commissioners conveying the following comments and questions regarding this matter:

1. The decision-making process is flawed due to the fact that there is limited input from the diverse elderly citizenry. A more diverse representation of the elderly population should be brought into the decision-making process.
2. In regards to the site location: the American Legion and the Southern Village sites are unacceptable; the Willow Drive and Horace Williams sites are mildly acceptable. Any site chosen should be accessible, convenient, have a familiar environment which would afford one the opportunity to participate in other activities, such as shopping, health and dental care, theater attendance, etc.
3. What plans are proposed for the existing senior centers once a new senior center is built? What are the future plans for the centers located at Northside and at the ArtsCenter?

REQUEST TO SET MEETING DATES

The Orange County Board of Commissioners requested that the Board of Aldermen schedule meeting dates for 1999 Joint Planning Public Hearings, Assembly of Government meetings and a joint meeting between the Commissioners and the Board of Aldermen.

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY DIANA MCDUFFEE TO SET THE FOLLOWING MEETING DATES FOR 1999:

Joint Planning Public Hearings

Wednesday, April 14th
Wednesday, October 13th

Assembly of Governments

Monday, March 29th
Thursday, September 30th

Joint Meeting with County Commissioners

Thursday, February 18th

VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

LOG PUBLIC HEARING/CONSTRUCTION & DEMOLITION LANDFILL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON THAT MRS. BLACKWOOD'S PROPERTY BE DELETED FROM CONSIDERATION FOR ANY LANDFILL OPERATIONS ACTIVITY. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

The Board requested that a copy of this motion is be forwarded to the appropriate governmental entities and to Mrs. Blackwood.

BANDSTAND COMMITTEE

The Board directed that the Bandstand Design Committee be re-instituted. Membership of the Committee to consist of: Michael Nelson, Allen Spalt, Richard Kinney, James Harris, Robert Morgan, with representation from the Farmers' Market, Recreation & Parks Commission, and the Arts Committee. The Board suggested that this committee review comments regarding problems encountered during the Carrboro Day Celebration and the Fete de la Musique.

FACILITATED SMALL AREA PLAN ORDINANCE

Michael Brough, Town Attorney, distributed a DRAFT copy of an ordinance which is to implement the recommendation of the Facilitated Small Area Plan.

The Board requested that staff schedule a meeting of the Ordinance Drafting Committee to review this DRAFT ordinance as soon as possible.

MIDDLE SCHOOL SITE ON HOMESTEAD ROAD

The Chapel Hill Carrboro City School Board decided to build a new middle school on the Homestead Road site. The Mayor and Board of Aldermen directed the following:

1. That the Town Manager contact the School Board to inquire about the creation of an oversight committee for this project. When the School Board representatives made their presentation to the Board of Aldermen on August 25, 1998, the creation of such a committee was referenced by the representatives.
2. That a letter be forwarded to the Chapel Hill Carrboro School Board requesting the following:
 - a. Request that the University amend the Horace Williams Plan to relocate the University Access Road to the east of the middle school site.
 - b. Request that the University submit a PETITION FOR ANNEXATION to the Town of Carrboro for the chosen school site.

BUDGET COMMITTEE

Alderman McDuffee requested that the Budget Committee be convened as soon as possible to begin its work.

TECHNOLOGY PLAN

The Board directed staff to check with Orange County in regards to a County Technology Plan.

CHAPEL HILL TRANSIT MEETING

Alderman Zaffron informed the Board about the Chapel Hill Transit 25th Year Committee meeting.

The Board requested that a transcript of the meeting be obtained and distributed to the Board and that the agendas for future meetings of the 25th Year Committee be obtained and distributed to the Board.

The Board directed staff to request, on behalf of the Mayor and Board of Aldermen, that the Tuesday meeting day be changed so that members of the Carrboro governing board might attend these meetings.

PESTICIDE CONSULTANT

Alderman Spalt informed the Board that a gentleman who was instrumental in the development of the San Francisco Pesticide Reduction Ordinance will be in the area during the week of October 21, 1998. Alderman Spalt requested that \$250-\$300 be approved for use during the consultant's visit.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALLEN SPALT THAT \$300 BE APPROPRIATED FOR MISCELLANEOUS USE DURING THE PESTICIDE CONSULTANT'S

VISIT. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).

CHANGE IN ANNEXATION LAW

The Board requested an update regarding the change in the annexation law.

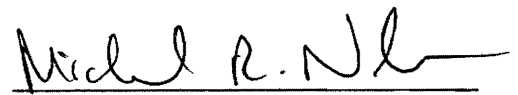
RECYCLING CENTER AT CARRBORO PLAZA

The Board requested an update on if and when the recycling center will begin at the Carrboro Plaza Shopping Center.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY ALLEN SPALT THAT THE MEETING BE ADJOURNED AT 9:30 PM. VOTE: AYES 5 (Zaffron, Nelson, McDuffee, Gist, Spalt); NOES 0; ABSENT/EXCUSED 2 (Anderson, Caldwell).



Town Clerk



Mayor