

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 01, 1998 at 7:30 p.m. in the Town Hall Board Room.

PRESENT AND PRESIDING:

- Mayor** Michael Nelson
- Aldermen** Hilliard Caldwell
- Jacquelyn Gist
- Diana McDuffee
- Allen Spalt
- Alex Zaffron
- Town Manager** Robert W. Morgan
- Deputy Town Clerk** James E. Spivey
- Town Attorney** Michael B. Brough

CELEBRATION ANNOUNCEMENT AND REMINDER

Shirley Marshall announced that a celebration, honoring Betty June Hayes, would take place on December 09, 1998 at the Big Barn in Hillsborough. The function was to begin at 6:30 PM at a fee of \$15 per person.

PROCLAMATION ISSUED

The following resolution was introduced by Alderman Hilliard Caldwell and seconded by Alderman Alex Zaffron.

**A RESOLUTION TO PROCLAIM DECEMBER 09, 1998 AS
"BETTY JUNE HAYES DAY" IN THE TOWN OF CARRBORO**

WHEREAS, Betty June Hayes has led an extraordinary life as a public servant.

WHEREAS, for more than a half-century, Betty June Hayes has serve the citizens of Orange County with great distinction as Assistant to the Register of Deeds, Clerk to the Board of County Commissioners, and Register of Deeds; and

WHEREAS, in 1954, the citizens voted Betty June Hayes into office as their Register of Deeds; making her, at the tender age of twenty-four, the first woman to hold a countywide elected office in Orange County; and

WHEREAS, Betty June Hayes was responsible for establishing state standards and certification requirements for all state Registers of Deeds, deputies and assistants, and was recognized for her work by the North Carolina Association of Registers of Deeds; and

WHEREAS, Betty June Hayes has inspired countless others through her volunteerism and has served on the boards of directors for the Orange County Heart Fund, United Way, Cancer Society, and Red Cross.

WHEREAS, Betty June Hayes wrote the legislation that created the Hillsborough Historical Society and received the Mary Claire Engstrom Distinguished Service Award in 1996 for her work in preserving local historical records.

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

SECTION 1. The Carrboro Board of Aldermen hereby officially commends Betty June Hayes for her many years of distinguished service.

SECTION 2. The Carrboro Board of Aldermen hereby proclaims that December 09, 1998 be "Betty June Hayes Day" in the Town of Carrboro.

SECTION 3. A copy of this resolution shall be forwarded to Ms. Hayes.

SECTION 4. 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 1st day of December, 1998:

AYES:Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

NOES: NONE

ABSENT/EXCUSED: NONE

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE NOVEMBER 17, 1998 MINUTES. VOTE: AFFIRMATIVE ALL.

REQUEST TO CANCEL DECEMBER 22ND BOARD MEETING

The administration requested that the Board of Aldermen cancel its regular meeting scheduled for December 22nd due to the Christmas holiday, and that a meeting be scheduled for December 15th.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO CANCEL THE BOARD OF ALDERMEN'S DECEMBER 22, 1998 MEETING AND SCHEDULE A DECEMBER 15, 1998 MEETING. VOTE: AFFIRMATIVE ALL.

RESOLUTION DESIGNATING THE INSTALLMENT PURCHASE CONTRACTS FOR THE PURCHASE OF VEHICLES AND EQUIPMENT AS TAX-EXEMPT OBLIGATIONS OF THE TOWN

The Board of Aldermen was requested to adopt a resolution designating the installment purchase contracts for vehicles and equipment approved in the FY 1998-99 budget as tax-exempt obligations of the town.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Allen Spalt.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT PURCHASE CONTRACT WITH CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE TOWN OF CARRBORO, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

Resolution No. 17/98-99

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

SECTION 1. The Carrboro Board of Aldermen hereby find and determine:

- a. The Town of Carrboro (the "Purchaser") proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b. After consideration, the governing body has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c. Pursuant to said Section 160A-20, the Town of Carrboro is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d. Centura Bank ("Centura") has proposed that Centura finance the Equipment pursuant to an Installment Purchase Contract between the Purchaser and Centura (the "Contract") and a related Escrow Agreement between the Purchaser and Centura (the "Escrow Agreement").

SECTION 2. The Board of Aldermen hereby authorizes and directs the town manager to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Purchaser in such form and substance as the person executing and delivering such instruments on behalf of the Purchaser shall find acceptable. The Clerk is hereby authorized to affix the official seal of the Town of Carrboro to the Contract and the Escrow Agreement and attest the same.

SECTION 3. The proper officers of the Purchaser are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

SECTION 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Purchaser in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Purchaser is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for Centura in such instance.

SECTION 5. The Purchaser covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Purchaser's obligations under the Contract will not be included in the gross income of Centura.

SECTION 6. The Purchaser hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Purchaser will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in Code) during calendar year 1998. In addition, the Purchaser hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

SECTION 7. 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 the 1st day of December, 1998.

AYES:Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

NOES: None

ABSENT/EXCUISED: NONE

BUDGET AMENDMENT

The purpose of this agenda item was to amend the 1998-99 fiscal year budget to transfer funds from Contingency to Governance Support to cover expenses for use of a trolley during the upcoming tree lighting ceremony and open house sponsored by the Carrboro Business Association.

MOTION WAS MADE BY ALDERMAN ALEX ZAFFRON AND SECONDED BY ALDERMAN ALLEN SPALT TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING FY '98-99 BUDGET ORDINANCE". VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING/ANNEXATION: ROCK HAVEN CENTRE/600 SMITH LEVEL ROAD

This was a public hearing to receive public comment on a request to annex Rock Haven Centre located at 600 Smith Level Road. The administration recommended adoption of the ordinance annexing this property, to become effective on December 31, 1998.

The Board had questions regarding the buffer which the developer had destroyed which is contrary to the conditions of the issued special use permit.

Roy Williford, Planning Director, responded to the questions of the Board. Mr. Williford explained that due to the actions of the developer, a letter of violation was to be issued and the maximum fine would/could be \$5,000.00. Mr. Williford explained that staff is gathering information which would assist in determining the amount of fine to be levied.

MOTION WAS MADE BY ALDERMAN ALEX ZAFFRON AND SECONDED BY ALDERMAN HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALDERMAN ALEX ZAFFRON AND SECONDED BY ALDERMAN HILLIARD CALDWELL TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE ANNEXING ROCK HAVEN CENTRE". VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT: JUNKED CARS

This was a public hearing to review an amendment to the land use ordinance that will repeal a provision that prohibits the outside storage of any motor vehicle that is neither licensed nor operational.

Patricia McGuire, Land Use Planner, made the staff presentation explaining the proposed ordinance amendment. Ms. McGuire reviewed the staff recommendation of adoption of the proposed ordinance amendment, however, that the Board of Aldermen continue the public hearing and delay the vote on this matter until comment is received from the Board of County Commissioners.

MOTION WAS MADE BY ALDERMAN ALEX ZAFFRON AND SECONDED BY ALDERMAN ALLEN SPALT THAT THE PUBLIC HEARING BE CLOSED AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALDERMAN ALEX ZAFFRON AND SECONDED BY ALDERMAN ALLEN SPALT TO DELAY TAKING ACTION ON THE PROPOSED ORDINANCE AMENDMENT REGARDING JUNKED CARS UNTIL COMMENT IS RECEIVED FROM THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS. VOTE: AFFIRMATIVE ALL.

YEAR 2000 COMPLIANCE REPORT

Robert Roskind, with Year 2000 Solutions Group, Inc., presented a report on Year 2000 compliance. Mr. Roskind left four (4) copies of the video tape "The Millennium Bug: Its Solutions, Its Origins, Its Scope, Its Risks" by Dr. Leon Kappelman, Ph.D., for Board and staff review.

The Board received the report and video tapes.

STATUS REPORT/HILLSBOROUGH ROAD WIDENING PROJECT

The purpose of this item was for the Board of Aldermen to: (1) receive the summary report on the November 20 meeting with NCDOT, and (2) schedule a public meeting with NCDOT officials for either January 6 or January 11, 1999. There was a third purpose: (3) request that the Durham-Chapel Hill-Carrboro TAC obligate \$2.4 million in STP-DA Funds for Hillsborough Road; however, due to differing dollar amount quotes from NCDOT and the TAC, action should not be taken until the dollar amount is agreed upon.

Alderman Zaffron and Kenneth Withrow, Transportation Planner, made the report.

Alderman Spalt requested that he be informed when staff receives the plans regarding the James Street and Quail Roost Drive intersection from the Sungate Design Group, the Town's engineer.

The Board directed staff to investigate the possible dates of January 13, 1999 or January 14, 1999 as possible dates for a public information meeting with NCDOT.

PRESENTATION OF 1997-98 AUDIT

The purpose of this agenda item was to receive the audit report for the 1997-98 Fiscal Year. John Franks of the Town's audit firm, Dixon, Odom and Company, presented the report.

The Board received the report.

Alderman McDuffee requested a report on position turn-over within the Town during FY 1997-98.

PRESENTATION OF FY'1998-99 FIRST QUARTER FINANCIAL REPORT

At the request of the Board of Aldermen, the Town Manager directed the Management Services Department to develop and prepare a quarterly financial report. L. Bing Roenigk, Assistant Town Manager presented the report to the Board, explaining the purpose of the report and discussed findings on financial activity during the first quarter of the current FY98-99 fiscal year.

The Board received the report and made the following suggestions for inclusion in future quarterly reports:

1. That an explanatory note be submitted when departments are significantly under budgeted or over budgeted.
2. That an explanatory note be submitted when there is a major increase in expenditures for a one time item during a quarter, i.e., audit reports, three payroll periods in one of the months during the quarter being reported on.

INTER-LOCAL AGREEMENT WITH ORANGE COUNTY FOR DIGITAL GEOGRAPHIC INFORMATION SYSTEM PRODUCTS

The purpose of this item was to present, for approval by the Board of Aldermen, a draft inter-local agreement with Orange County for digital geographic information system products and services.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE INTER-LOCAL AGREEMENT AND TO AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT. VOTE: AFFIRMATIVE ALL.

CHANGE IN SMALL AREA PLAN SCHEDULE

Robert Morgan informed that Board that a change in the schedule of the Small Area Plan had taken place because the Orange County Board of Commissioners will consider the item on December 15, 1998, which is the same date that the Board of Aldermen is to hold its public hearing on the matter.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT THE BOARD OF ALDERMEN'S SCHEDULED DECEMBER 15, 1998 MEETING BE CANCELED AND THAT THE BOARD OF ALDERMEN RE-SCHEDULE IT'S MEETING FOR DECEMBER 16, 1998. VOTE: AFFIRMATIVE ALL.

GRANT APPLICATION/FUNDING FOR ALTERNATIVE FUEL VEHICLES

Mayor Nelson informed the Board that the grant for the electric car was being modified and requested to have the issue placed on the Board's December 16, 1998 agenda. By consensus the Board approved the request.

LOG FINANCE COMMITTEE MEETING

Alderman McDuffee distributed a written summary of the meeting and gave a brief review.

AIRPORT ADVISORY COMMITTEE REPORT

Alderman McDuffee made a report and informed the Board that the Committee meets the first Wednesday of each month at 4:00 PM.

PARK-N-RIDE LOT AT CARRBORO PLAZA

Alderman McDuffee questioned the status of the Park-N-Ride lot at Carrboro Plaza. Alderman McDuffee questioned the decision-making process as to whether or not the lot will be moved or closed.

Robert Morgan, Town Manager, stated that the Transportation Planner, Kenneth Withrow, would submit a report to the Board regarding this matter at the Board's next meeting.

CONTINUATION OF MANAGER'S EVALUATION

Alderman McDuffee requested that a closed session be scheduled at the next Board's meeting to continue evaluation of the town manager.

CARR MILL MALL MERCHANTS

Alderman Gist encouraged staff to assist the downtown local merchants in addressing the issue of traffic being blocked off in certain sections of Carr Mill Mall prior to the Christmas Holidays.

Robert Morgan, Town Manager, stated that the Community & Economic Development Director was addressing this matter.

ALTERNATIVE TO SPRAWL EXHIBITION

Alderman Spalt informed the Board of and distributed brochures about a December 06-07 1998 exhibition regarding development sprawl. The exhibition is by James A Carnaham of Matrix Design, and is located at Studio #8, Rock Rest Road, in northern Chatham.

TOWERS IN THE WATERSHED

Alderman Spalt questioned the issue of towers in the watershed due to a letter from a citizen.

The Administration informed the Board that the issue cited in the letter from the citizen was outside of the town's jurisdiction.

Alderman Spalt suggested that the Town might want to respond to this matter due to the "loose" interpretation of "Commercial Use".

The Board took no action regarding this matter.

LETTER FROM JIM RITCHEY

The Triangle Transit Authority (TTA) plans to expand regional bus services over the next 18 months. The Town has been requested to review the proposed TTA service expansion plan and respond with formal written comments by February 26, 1999.

The Board directed that this matter be placed on the quarterly calendar.

LETTER FROM THE PROPOSED TOWN OF HEBRON

The Board had questions regarding the November 18, 1998 letter from the Interim Council of the Town of Hebron. The letter provided Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron.

The town manager is to bring a report back to the Board regarding this matter.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JACQUELYN GIST THAT THE MEETING BE ADJOURNED AT 10:30 PM. VOTE: AFFIRMATIVE ALL.

Michael R. Nelson
Michael Nelson, Mayor

James E. Spivey
James E. Spivey, Deputy Town Clerk