

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 8, 1998 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Aldermen Michael Nelson Hilliard Caldwell

Jacquelyn Gist Diana McDuffee Allen Spalt Alex Zaffron

Town Manager Town Clerk

Robert W. Morgan Sarah C. Williamson

Town Attorney

Michael B. Brough

CARRBORO BUSINESS ASSOCIATION OPEN HOUSE

Joan Blackand, Vice-President of the Carrboro Business Association, thanked the Board for authorizing the expenditure of funds for the trolley during the Carrboro Business Association open house. Mrs. Blackand asked for consideration in having the ordinance changed to allow banners to be hung across the street.

Alderman Caldwell stated that he would like to have a Christmas Committee for the town established.

Alderman Caldwell thanked the students from Carrboro Elementary and Frank Porter Graham Schools who participated in the tree lighting ceremony.

Mayor Nelson thanked the garden club for the Town Hall decorations.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE DECEMBER 1, 1998 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (GIST)

RELEASE OF ECONOMIC DEVELOPMENT FUNDS TO TRIANGLE J COUNCIL OF GOVERNMENTS

The Board was requested to consider adopting a resolution releasing \$971.93 appropriated by the 1997 General Assembly to Lead Regional Organizations to assist local governments with grant applications, economic development, and community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments.

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

A RESOLUTION RELEASING \$971.03 IN ECONOMIC DEVELOPMENT FUNDS TO TRIANGLE J COUNCIL OF GOVERNMENTS Resolution No. 17/98-99

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and

WHEREAS, the General Assembly continued to recognize this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, support of local industrial development and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members' dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the State's General Fund; and



WHEREAS, in Region J funds in the amount of \$48,015 will be used to carry out the economic development plan approved by the COG Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to and consequently benefits of the Research Triangle Park.

NOW, THEREFORE BE IT RESOLVED that the Town of Carrboro requests the release of its \$971.03 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of Section 16.5 of Senate Bill 352, the 1997 ratified budget bill.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of December, 1998:

Ayes: Hilliard Caldwell, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY ALEX ZAFFRON TO SEND A LETTER TO TRIANGLE J COG STATING THAT CARRBORO IS TRYING TO SUPPORT A LOCAL ECONOMY THAT IS AS MUCH AS POSSIBLE BASED ON LOCAL BUSINESSES AND DOES NOT FEEL IT IS IN CARRBORO'S INTEREST TO SUPPORT INTERNATIONAL TRADE. VOTE: AFFIRMATIVE THREE, NEGATIVE TWO (NELSON, CALDWELL), ABSENT ONE (GIST)

APPOINTMENT TO ANIMAL CONTROL BOARD OF APPEALS

There are currently two vacant seats on the town's Animal Control Board of Appeals. These positions have been advertised and the Town Clerk has received an application from Jane Touhey expressing interest in serving on this board. The Board was requested to consider appointing Ms. Touhey to one of these vacant seats.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPOINT JANE TOUHEY TO THE ANIMAL CONTROL BOARD OF APPEALS. VOTE: AFFIRMATIVE FIVE, ABSENT DNE (GIST)

BOARD VACANCIES

Alderman McDuffee requested that the town staff prepare a recommendation for advertising Board vacancies.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT/INCREASE IN SIDEWALK WIDTHS

The purpose of this item was to receive a presentation on the 1998 Walkable Communities Conference, and to receive public comment on text that amends the land use ordinance to increase public sidewalk widths from four feet to five feet.

Kenneth Withrow, the town's Transportation Planner, made a presentation on the 1998 Walkable Communities Conference.

Neal Mochel, Chair of the TAB, stated that the TAB feels the grass strip should be four feet in width. Mr. Mochel stated that a five foot sidewalk is the minimum for two people to walk side-by-side.

[Alderman Gist arrived at the meeting.]

Ellen Perry stated that five foot sidewalks are better for handicapped individuals and wheelchairs.

Mike Brough stated that the proposed ordinance applies to both public and private sidewalks.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL



MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO INCREASE THE WIDTH OF SIDEWALKS FROM FOUR FEET TO FIVE FEET, AMENDED AS FOLLOWS:

SUBSECTION 15-216(J) IS AMENDED BY REWRITING THE FIRST SENTENCE THEREOF TO READ AS FOLLOWS:

"THE SIDEWALKS REQUIRED BY THIS SECTION ALONG STREETS WITH CURB AND GUTTER SHALL BE CONSTRUCTED WITH A PLANTING STRIP AT LEAST THREE FEET IN WIDTH, UNLESS THE PERMIT ISSUING AUTHORITY ALLOWS THE STRIP TO BE OMITTED OR CONSTRUCTED AT A LESSER WIDTH UPON A FINDING THAT SUCH DEVIATION FROM THE PRESUMPTIVE STANDARD IS WARRANTED TO AVOID ENVIRONMENTAL DAMAGE OR TO PROMOTE PUBLIC SAFETY."

VOTE: AFFIRMATIVE ALL

OPEN SPACE TOUR

The Board of Aldermen has requested a tour of open space areas within the jurisdiction of the Town of Carrboro. The Zoning Division wanted to hold a discussion with the Board to determine specific items that the Board wishes to take the tour. The administration recommended that the Board discuss this issue and advise the staff of its wishes.

Keith Lankford, the town's Zoning Administrator, made a presentation.

Alderman Gist stated that some of the open space is working well and some are disjointed. Alderman Gist stated that she would like to see areas where the 40% open space is working and areas where it is not working. Alderman Gist stated that she would like to have the tour on a Saturday.

It was the consensus of the Board that the town staff prepare a list of areas and possible dates for the Board's review.

CARRBORO TOWN CENTER FEES

In June, 1998 during consideration of the town's Miscellaneous Fees and Charges Schedule, the Board asked that the recommended fees for use of the Carrboro Town Center be removed and discussed separately at a later time. The purpose of this item was for the Board to consider the recommended fee structure and incorporate an acceptable fee structure in the Fees and Charges Schedule.

Richard Kinney, the town's Recreation and Parks Director, stated that the town staff recommended the following fee schedule:

ITEM	PROPOSED FEE
Community Room (3-hour time block)	
(Each additional hour pro-rated at the set charge)	
Weekday Use: Day Use	\$100.00
Night Use	\$150.00
Weekend Use: Day or Night Use	\$250.00
Meeting Room (2-hour time block) (Each additional hour pro-rated at \$20.00 per hour)	
All Times	\$40.00
Kitchen (3-hour time block) (Each additional hour pro-rated at \$25.00 per hour)	
All Times	\$75.00
Deposit (all areas)	\$100.00

Mr. Kinney stated that the Recreation and Parks Commission had reviewed the proposed fee schedule at its meeting on December 7, 1998 and had recommended that the following language be added: "For purposes of

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clarification, the 2-hour and 3-hour time blocks are the minimum ties that each room area may be rented. Less time than the minimum will result in the full charge as listed above. Example: meeting room rented for one and one-half hours will still result in a \$40.00 fee. Times over the minimum block will be charged for 15-minute intervals pro-rated from the hourly rate.

Mr. Kinney stated that the Commission also felt strongly that a facility supervisor should be on site during use of the facility.

Alderman Spalt suggested that a discussion of use of the community center should be held prior to setting the fees

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE FEE SCHEDULE AS PROPOSED AS THE BASELINE FEES AND CHARGES SCHEDULE AND THAT THE RECREATION AND PARKS COMMISSION BE ASKED TO RECOMMEND A WAIVER POLICY FOR THE BOARD'S CONSIDERATION. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (GIST, SPALT, CALDWELL)

MOTION WAS MADE BY HILLIARD CALDWELL TO ASK THE RECREATION AND PARKS COMMISSION TO CONSIDER THE BOARD'S CONCERNS, AND THAT THE SCHOOL SYSTEM AND OTHER PRIVATE AGENCIES BE CONTACTED TO DETERMINE THEIR FACILITY FEES. SECONDED BY JACQUELYN GIST. VOTE: AFFIRMATIVE ALL

SELECTION OF NAME FOR TOWN CENTER

The purpose of this item was for the Mayor and Board of Aldermen to select a name for the Town Center building.

Mr. Morgan stated that the Design Review Committee was recommending that the building be named "Carrboro Town Center."

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY HILLIARD CADLWELL TO NAME THE TOWN CENTER BUILDING THE "CARRBORO COMMUNITY CENTER." VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (NELSON, SPALT)

INCUBATOR STUDY

The purpose of this item was to present to the Board the Incubator Feasibility Study prepared by the North Carolina Small Business and Technology Development Center on behalf of the N.C. Technological Development Authority.

Alderman Gist stated that Page 10 of the Feasibility Study listing population trends, needs to be updated to reflect the current Hispanic population.

James Harris, the town's Community and Economic Development Director, introduced Virginia Hopley, the author of the Incubator Study. Ms. Hopley stated that it was being recommended that a virtual incubator be established in the Town of Carrboro.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ACCEPT THE REPORT AND DIRECT STAFF TO PROCEED WITH THE ACTIONS REQUIRED TO ESTABLISH A VIRTUAL INCUBATOR AND THAT STAFF CONTINUE TO EXPLORE THE CREATION OF A FULL-SERVICE SITE INCUBATOR AS WELL. VOTE: AFFIRMATIVE ALL

Mayor Nelson asked that the staff report to be brought back to the Board suggest ways to cooperate with the Midway Incubator

USE OF TOWN COMMONS

The purpose of this item was to respond to the Board's request to review the town's policy on the use of the Town Commons in light of the Recreation and Parks Commission's recommendation that no more continuous reservations for the Town Commons be granted in the future.

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Mr. Morgan recommended that no changes to the policy be made at this time.

It was the consensus of the Board not to change the policy at this time. If there are requests for use of the Town Commons in conflict with this policy, the Board will consider those requests.

REPORT ON PAYMENT-IN-LIEU FUNDS

At its annual planning retreat, the Mayor and Board of Aldermen requested a discussion of payment-in-lieu for recreational areas and facilities and open space. A report was presented.

Mr. Morgan presented a breakdown of payment-in-lieu fees collected and the interest earned on those fees. Mr. Morgan stated that this breakdown groups the fees collected by the general geographical areas and proposed facilities. It has been proposed that the fees be spent for recreation facilities or open space near the subdivision that generated the fees. In addition, interest on these fees is proposed to be used for general recreational facilities at the Carrboro Town Center. Mr. Morgan stated that the Five-Year CIP would include recommendations for expenditure of these funds.

STATUS REPORT ON COMMUNITY CENTER

Mr. Morgan gave a status report.

ROSEMARY STREET PARKING LOT

Mr. Morgan gave a status report.

RESOLUTION BARRING PURCHASES FROM BUSINESS IN BURMA

Mike Brough stated that he had received correspondence from the President of the National Foreign Trade Council requesting that Carrboro repeal its resolution barring purchases from businesses in Burma.

The Board received the report.

LOG REORGANIZATION

Mayor Nelson brought to the Board's attention that Chapel Hill had taken action on the LOG reorganization at its meeting on December 7th.

STATUS REPORT ON PARK AND RIDE LOT

Alderman Zaffron stated that Chapel Hill Transit is executing a lease with Carrboro Plaza whereby there will not be a lapse in service.

RESOLUTION REGARDING EXPANSION OF STORAGE FACILITES AT SHEARON HARRIS NUCLEAR POWER PLANT

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

A RESOLUTION REGARDING PROPOSED EXPANSION OF HIGH LEVEL RADIOACTIVE WASTE STORAGE FACILTIES AT CAROLINA POWER AND LIGHT'S SHEARON HARRIS NUCLEAR POWER PLANT Resolution No. 20/98-99

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WHEREAS, the Carrboro Board of Aldermen has learned of plans for the expansion of the high level radioactive waste storage facilities at Carolina Power and Light's Shearon Harris nuclear power plan in nearby Wake County; and

WHEREAS, the Carrboro Board of Aldermen understands that there are substantial potential risks inherent with the proposed doubling of the storage capacity of the temporary storage pools for high level radioactive waste not only from the Shearon Harris plan but also from two other nuclear power plants from elsewhere in North and South Carolina; and

WHEREAS, there has so far been inadequate public information, discussion and input of the implications for public health and safety of the proposed expansion of high level radioactive waste storage facilities near populated and rapidly developing areas; and

WHEREAS, on December 7, 1998, the Environmental Advisory Board for the Town of Carrboro passed a resolution asking that the Carrboro Board of Aldermen request that appropriate entities hold public hearings in which Carolina Power & Light Company should provide adequate information to the public and decision makers about its plans to expand storage capacity at Shearon Harris and respond to questions about the long term storage of high level radioactive waste.

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

Section 1. The Board of Aldermen hereby requests the N.C. Department of Environment and Natural Resources (DENR) and the Nuclear Regulatory Commission conduct public hearings in which CP&L and appropriate regulatory staff:

- a. Explain the company's plans to expand storage facilities for high level radioactive waste at the Shearon Harris Nuclear Power Plan;
- b. Outline the risks or lack thereof and explain the risk assessment methodology employed to develop risk projections related to the use of facilities designed for short-term storage of high level radioactive wastes used for long-term storage;
- c. Outline the risks or lack thereof and explain the risk assessment methodology employed to develop risk projections associated with the transportation and handling of materials from other distant nuclear power generating facilities; and
- d. Accept and consider public comments relative to support for or opposition to operating or expanding such a facility in this area.

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 8th day of December, 1998:

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

Noes: None

Absent or Excused: None

REPORT FROM UNC ON ENROLLMENT INCREASE

It was the consensus of the Board to request that the Agenda Planning Committee schedule a discussion of UNC's Institutional Enrollment Plans 1998-2008 prior to meeting with Chancellor Hooker to discuss this matter.

ESCROW/GEORGE TATE

Alderman Spalt stated that George Tate had contacted him about reimbursement of \$1,800 in escrow that he had submitted to the town. Alderman Spalt requested that the town staff follow-up on this request.



MEMORANDUM FROM RECREATION AND PARKS DIRECTOR

Alderman Spalt requested that the Town Manager respond to a memorandum submitted to the Mayor and Board of Aldermen by the Recreation and Parks Director concerning promotion assistance from non-profit groups.

DISCUSSION OF NCLM LEGISLATIVE GOALS

Alderman Spalt requested that the Agenda Planning Committee schedule a Board discussion of the N.C. League of Municipalities' legislative goals.

CLOSED SESSION/CONTINUATION OF EVALUATION OF TOWN MANAGER

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALLEN SPALT TO ADJOURN TO CLOSED SESSION AT 10:45 P.M. TO CONTINUE THE EVALUATION OF THE TOWN MANAGER. VOTE: AFFIRMATIVE ALL

Sarah C. Williamin

Mod DN. Ner Mayor