

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 1, 1999 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

RESOLUTION CALLING FOR A MORATORIUM ON EXECUTIONS

Steve Dear, a resident Stony Hill Road, and speaking on behalf of North Carolinians Against the Death Penalty, asked the Board to consider adopting a resolution calling for a moratorium on executions.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION CALLING FOR A MORATORIUM ON EXECUTIONS

Resolution No. 40/98-99

WHEREAS there is ample evidence that the death penalty is applied in a racist manner:

- In 1987, in *McCleskey v. Kemp*, the U.S. Supreme Court acknowledged but refused to act on data demonstrating the continuing reality of racial bias.
- In 1990, the U.S. General Accounting Office reported “a pattern of evidence indicating racial disparities in charging, sentencing and imposition of the death penalty.”
- Nationwide, 82% of those put to death had been convicted of murdering a white person even though people of color are the victims in more than half of all homicides.
- The U.S. Congress and the N.C. General Assembly have failed to pass the Racial Justice Act, which would allow prisoners to challenge their death sentences using standards normal in civil racial discrimination cases.
- 78% of all people executed by the State of North Carolina have been African American.
- 60 % of death row in North Carolina is composed of racial minorities, one of the highest percentages of any state death row population in the United States.

WHEREAS death sentences are reserved for the poor:

- About 90% of those persons nationwide facing capital charges cannot afford their own attorney and the percentage is higher in North Carolina.
- No state, including North Carolina, has met standards developed by the American Bar Association for appointment, performance and compensation of counsel for indigent prisoners.
- The senior judiciary leaders of 31 N.C. faiths have recognized that “The application of the death penalty is clearly discriminatory. Numerous studies have documented this fact. If a suspect is poor or a member of a minority group, the death penalty is much more likely to be imposed.” (*Statement*)

WHEREAS prisoner appeals have been severely curtailed, increasing the risk of imprisonment and execution of innocent people:

- So far 79 people, including two North Carolinians, have been freed from death row after their innocence, in most cases, was proven by investigators outside the justice system, and their numbers continue to grow.
- In a series of rulings since 1991, the Supreme Court has drastically restricted the rights of death row prisoners to appeal their convictions and death sentences in federal courts, even in cases where prisoners present compelling evidence of innocence.
- In 1996, new legislation drastically limited federal court review of death penalty appeals, and gutted public funding of legal aid services for death row prisoners.
- At least 23 persons were executed in the United States this century only to have their innocence proven after their deaths

WHEREAS the American Bar Association has concluded that administration of the death penalty is “a haphazard maze of unfair practices with no internal consistency” and has called for a moratorium on executions.

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

Section 1. The Board of Aldermen calls on Governor Hunt and our state legislators, President Clinton and our legislators in Congress, to enact and adopt legislation imposing a moratorium on executions--at least until this state and the nation implement policies and procedures which:

- Ensure that death penalty cases are administered fairly and impartially, in accordance with basic due process;
- Minimize the risk that innocent persons may be executed; and
- Prevent the execution of mentally retarded persons and persons who were under the age of 18 at the time of their offenses.

Section 2. Copies of this resolution shall be forwarded to Governor Hunt, and our state legislators, President Clinton and our legislators in Congress.

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 1st day of June, 1999:

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

Noes: None

Absent or Excused: None

REQUEST FOR STREET IMPROVEMENTS/SOUTH GREENSBORO STREET

Scott Conary, owner of The Open Eye Café, located on South Greensboro Street, requested that the town have South Greensboro Street from the East Main Street intersection to the Roberson Street intersection improved with the installation of curb and gutter and a sidewalk. Mr. Conary stated that this area is very unsafe for pedestrians.

The Board requested that the town staff contact the adjoining property owners and tenants concerning this matter and forward the request to NCDOT.

REQUEST FOR ESTABLISHMENT OF A MIDGET FOOTBALL LEAGUE

Michael White commended the Recreation Department for the job they do and asked that the town consider establishing a midget football league at a cost of \$3,164.

The Board referred this request to the town staff and Recreation and Parks Commission with the request that this matter be placed on the Board's June 8th agenda for consideration.

APPROVAL OF MINUTES OF PREVIOUS MEETING: MAY 25, 1999

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPROVE THE MAY 25, 1999 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE ALL

AWARD OF WEAPON TO RETIRED POLICE OFFICER II

Police Officer II Lisa Adams retired from the Carrboro Police Department on June 1, 1998 after 13 years, 4 months of service. The Police Department would like to award POII Lisa Adams her service side arm to recognize her dedication to duty and her service to the Town of Carrboro.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALEN SPALT TO AWARD POLICE OFFICER II LISA ADAMS HER SERVICE SIDE ARM FOR THE PRICE OF \$5.00 UPON HER SECURING A PERMIT AS REQUIRED BY G.S. 14-402. VOTE: AFFIRMATIVE ALL

REPORT ON BASKETBALL GOAL ON PUBLIC RIGHT-OF-WAY/MAPLE AVENUE

The administration prepared a report in response to a petition submitted to the Board of Aldermen requesting permission to erect a basketball goal on the Maple Avenue right-of-way. The administration recommended that if the residents of Maple Avenue wish to install a basketball goal at the "dead-end" portion of the paved Maple Avenue right-of-way, that they submit a site drawing of the proposed location, including the dimensions of the goal, to the Public Works Department for review.

Mitch Virchick stated that it is not feasible to place the basketball goal at the end of the right-of-way, but stated that it is possible to locate the goal in the turn around area.

The Board requested that Mr. Virchick submit a plan to the Public Works Department to locate the goal in the turn around area.

COPS UNIVERSAL HIRING GRANT FOR SCHOOL RESOURCE OFFICER

The purpose of this agenda item was to inform the Board of Aldermen that the Police Department has the opportunity to request that it be considered for a U.S. Department of Justice COPS grant to hire a School Resource Officer in 1999.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO AUTHORIZE THE POLICE DEPARTMENT TO APPLY FOR A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE TO HIRE A SCHOOL RESOURCE OFFICER. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO ENVIRONMENTAL ADVISORY BOARD

The purpose of this agenda item was for the Mayor and Board of Aldermen to consider appointing Erwin Gutzwiller to a seat on the Environmental Advisory Board.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY ALLEN SPALT TO APPOINT ERWIN GUTZWILLER TO THE ENVIRONMENTAL ADVISORY BOARD. VOTE: AFFIRMATIVE ALL

ITEM FOR FURTHER DISCUSSION/NORTHERN STUDY AREA

MOTION WAS MADE BY ALLEN SPALT AND SECONDED BY JOAL HALL BROUN TO ADD THE FOLLOWING ITEM TO THE LIST OF ITEM TO BE CONSIDERED BY THE BOARD IN THE FALL OF 1999 RELATED TO THE NORTHERN STUDY AREA:

“Town policy of connectivity may be superseded by conservation area policies in the subdivision design process. Road locations are specified in step 3 of the site planning procedures for major subdivisions. The presence of intermittent streams would likely make it necessary to avoid specified road extensions and thus limit overall connectivity.”

VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/MANAGER’S RECOMMENDED BUDGET FOR FISCAL YEAR 1999-2000

The purpose of this agenda item was for the Mayor and Board of Aldermen to receive public comment on the Manager’s Recommended Budget for Fiscal Year 1999-2000.

Myles Presler asked the Board to allocate one cent on the tax rate in the 1999-2000 budget for affordable housing. Mr. Presler spoke in favor of the smaller houses ordinance, and thanked the Board for looking into establishing a neighborhood preservation district in the Lloyd/Broad Street area.

Alderman Caldwell presented a petition from citizens opposed to a tax increase.

Mayor Nelson asked for information on the housing trust fund.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

REPORT FROM HUMAN SERVICES COMMISSION/1999-2000 BUDGET RECOMMENDATIONS

The purpose of this item was to present to the Board of Aldermen the recommendations of the Human Services Commission for funding requests from non-profit agencies providing services to Carrboro citizens.

Lillie Atwater, Chair of the Human Services Commission, presented the Human Services Commission's recommendations for funding in the 1999-2000 budget.

REPORT FROM MUNICIPAL ADVISORS, INC./MARKET STUDY RESULTS

The purpose of this item was to present the results of the market study and pay and classification study conducted by Municipal Advisors, Inc.

John Maxwell presented the market study and classification study and answered the Board's questions.

JOINT MEETING WITH NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION AND BOARD OF ALDERMEN TO DISCUSS LLOYD-BROAD STREET AND OLD PITTSBORO ROAD NEIGHBORHOOD PRESERVATION DISTRICTS

The purpose of this agenda item was for the Mayor and Board of Aldermen to meet jointly with the Neighborhood Preservation District Commission to discuss proposed neighborhood preservation districts for the Lloyd-Broad Street neighborhood and Old Pittsboro Road neighborhood.

Trish McGuire, the town's Planner, made the staff presentation concerning the Old Pittsboro Road neighborhood preservation district.

Tina Moon, one of the town's Zoning Specialists, made the staff presentation concerning the Lloyd/Broad Street neighborhood preservation district.

Alderman Gist suggested a public information meeting in Baldwin Park on a Saturday to meet with the residents of the Lloyd/Broad Street neighborhood concerning a neighborhood preservation district for their neighborhood.

Alderman Spalt mentioned that the building in which The Furniture Doctor is located on Lloyd Street was once the Carrboro Town Hall and asked that that fact be noted in the report.

Mary Tippens stated that the design guidelines would need to be modified.

Richard Taylor suggested that the Lloyd/Broad Street neighborhood meeting be held in June.

MOTION WAS MADE BY JAQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO SET A PUBLIC HEARING FOR SEPTEMBER 28, 1999 AND REFER THE NPD OVERLAY DISTRICT PROPOSALS TO THE APPROPRIATE ADVISORY BOARDS FOR REVIEW AND CONSIDERATION AND ASK THE NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION AND BOARD TO MEET WITH THE NEIGHBORHOOD IN BALDWIN PARK. IN ADDITION, THAT THE TOWN STAFF DEVELOP A PROPOSAL TO INCLUDE THE HOUSES ON SOUTH GREENSBORO STREET. VOTE: AFFIRMATIVE ALL

APPROVAL OF 1999-2000 LANDFILL TIPPING FEES

The purpose of this item was for the Mayor and Board of Aldermen to consider adopting the landfill tipping fee schedule for the 1999-2000 fiscal year.

Chris Peterson, the town's Public Works Director, made the staff presentation.

Gayle Wilson, Chapel Hill's Solid Waste Director, stated that the County Commissioners at their meeting tonight approved \$40,000 landfill reorganization, approved \$2,000 for regional solid waste planning, and increased the tipping fee from \$39 to \$40 with the proceeds going into a reserve fund for the Eubanks Road Community Benefits project.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING
THE ORANGE REGIONAL LANDFILL
TIPPING FEE SCHEDULE FOR THE 1999-2000 FISCAL YEAR
Resolution No. 38/98-99

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby approves the following tipping fee schedule for the Orange Regional Landfill for Fiscal year 1999-2000:

Mixed Solid Waste	\$40.00/ton
Construction and Demolition Materials	\$40.00/ton
Yard Waste/Clean Wood Waste	\$12.00/ton
Tires (not eligible for free disposal)	\$100.00/ton

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 1st day of June, 1999:

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

Noes: None

Absent or Excused: None

AWARD OF CONTRACT/COMMUNITY CENTER RENOVATIONS

The purpose of this item was for the Mayor and Board of Aldermen to award the contracts for the renovation of the Carrboro Community Center.

Mr. Morgan stated that on May 19, 1999 the Town received single prime and multi-prime bids on the Carrboro Community Center. The multi-prime contracts provided the Town the lowest bids. The successful bidders were as follows:

General Contractor Multi-Prime	Patriot Building, Inc.	\$969,500 *
Mechanical Multi-Prime	D & W Heating & A/C Company	\$409,325
Electrical Multi-Prime	Norina Electrical & Mechanical	\$184,200
Plumbing/Fire Protection Multi-Prime	Sparrow & Sons	\$147,865
TOTAL		\$1,710,890

*This bid price includes alternate #2 and #3.

Change orders number 2 and 3 create a fully enclosed glass atrium outside the lower entrance to the community center. This atrium serves as an air lock for energy conservation.

The town's architectural firm has requested additional compensation over its original contract in the amount of \$102,775 for additional services they feel they have provided. After negotiating with the architect, the Town Manager recommended to the board members on the Design Review Committee a fee of \$142,253--an increase of \$39,478. The original contract was for a single prime construction project with an estimated project of \$1,150,000.

The Town Manager has also recommended that funds be budgeted for a part-time construction manager to provide closer supervision on the project. Two firms have been contacted with proposals ranging from a low of \$8,000 to a high of \$25,000. The Town Manager will develop a scope of services to get more precise estimates and bring back a recommendation to the Board before the end of June.

In order to complete the renovation of the community center the Mayor and Board of Aldermen need to adopt a revised budget as follows:

EXPENDITURES NEEDED TO COMPLETE RENOVATIONS OF COMMUNITY CENTER

GENERAL CONTRACTOR	\$969,500
MECHANICAL	\$409,325
ELECTRICAL	\$184,200
PLUMBING/FIRE PROTECTION	\$147,865
SUBTOTAL	\$1,710,890

CONTINGENCY	\$171,179
PERMITS, FEES AND MISC. COST	\$12,000
LEAD PAINT ABATEMENT	\$14,000
DANCE FLOOR RESERVE	\$6,138
CONSTRUCTION MANGEMENT	\$25,000
ADDITIONAL ARCHITECTUAL FEES	\$39,478
SUBTOTAL	\$267,795
TOTAL	\$1,978,685

**REVENUES NEEDED TO COMPLETE RENOVATIONS OF
COMMUNITY CENTER**

REMAINING BUDGETED FUNDS FOR RENOVATION	\$1,276,153
MASTER PARK PLAN RESERVE	\$48,750
INTEREST/PAYMENT-IN-LIEU	\$116,912
INTEREST/CAPITAL RESERVE	\$97,892
NON BUDGETED INTEREST/ CONSTRUCTION FUNDS	\$137,000
OPERATIONAL SAVINGS 1998-99	\$60,840
DEFFERED LEASE PAYMENTS 1998-99	\$30,000
TRANSFER TO CAPITAL BUDGET 1999-00	\$30,000
DANCE FLOOR DONATIONS	\$31,138
STREET RESERVES	\$150,000
TOTAL	\$1,978,685

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'98-99 BUDGET ORDINANCE", TO COVER THE REVISED CONSTRUCTION BUDGET. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ALEX ZAFFRON)

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN TO AWARD CONTRACTS FOR THE CONSTRUCTION OF THE COMMUNITY CENTER TO THE FOUR LOWEST RESPONSIBLE BIDDERS LISTED ABOVE (INCLUDING CHANGE ORDER #2 AND #3). VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO CONTRACTS WITH EACH OF THE BIDDERS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOAL HALL BROUN TO AMEND THE CONTRACT WITH NEW SYNERGY PARTNERSHIP TO INCREASE HER COMPENSATION BY \$39,478. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ZAFFRON)

BROADCAST OF BOARD MEETINGS

Alderman Spalt indicated that upon viewing the videotape of last week's budget worksession, it became evident that there continues to be problems with the broadcast quality of the Board's meeting.

The town staff was requested to investigate this matter.

NAME CHANGE FOR BOARD OF ALDERMEN

Alderman McDuffee requested that the Board be notified when the Board's name change becomes effective.

REQUEST FOR INFORMATION

Alderman Broun reminded the Town Manager that she had requested information on the number and type of employees who had received merit increases for the past two years.

Mayor

Town Clerk