

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

Present and presiding:

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

Absent:

Alderman	Jacquelyn Gist
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO APPROVE THE NOVEMBER 30, 1999 MINUTES. VOTE: AFFIRMATIVE ALL

APPROVAL OF ABSTRACT OF VOTES CAST AT NOVEMBER 2, 1999 ELECTION

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPROVE THE ABSTRACT OF VOTES CAST AT THE NOVEMBER 2, 1999 ELECTION AS FOLLOWS:

PRECINCT NAME	MAYOR		ALDERMAN			
	Nelson	Write-In	Broun	Dorosin	Zaffron	Write-In
Absentee	4	0	4	4	4	0
Carrboro	143	17	149	135	142	15
Coles Store	15	0	14	12	14	0
Dogwood Acres	60	1	56	57	56	0
Lions Club	183	21	181	174	184	4
North Carrboro	275	46	282	265	270	16
OWASA	178	11	175	166	175	6
St. John	4	1	5	4	2	0
Town Hall	116	15	111	114	106	0
Transfer	0	0	0	0	0	0
Provisional	0	0	0	0	0	0
Total	978	112	977	931	953	41

VOTE: AFFIRMATIVE ALL

COMMENTS BY OUTGOING ALDERMAN HILLIARD CALDWELL

Hilliard Caldwell made outgoing comments as a member of the Board of Aldermen.

SWEARING IN OF MAYOR MICHAEL NELSON

SWEARING IN OF ALDERMAN JOAL HALL BROUN

SWEARING IN OF ALDERMAN ALEX ZAFFRON

SWEARING IN OF ALDERMAN-ELECT MARK DOROSIN

COMMENTS BY MAYOR AND BOARD OF ALDERMEN

Mayor Nelson and members of the Board made comments.

PRESENTATION BY FARMERS' MARKET

Alex Hitt presented a guide to the Carrboro Farmers' Market and tee shirts for the Board members.

PROCLAMATION ISSUED

Mayor Nelson proclaimed December 15th as Bill of Rights Day in Carrboro.

REQUEST TO ADOPT A RESOLUTION SETTING JOINT PLANNING PUBLIC HEARING DATES AND ASSEMBLY OF GOVERNMENTS MEETINGS FOR 2000

The Mayor and Board of Aldermen are requested to consider adopting a resolution, which sets the joint planning public hearing dates and Assembly of Governments meeting dates for 2000.

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

A RESOLUTION SETTING
JOINT PLANNING PUBLIC HEARING DATES
AND ASSEMBLY OF GOVERNMENT MEETING DATES FOR 2000
Resolution No. 76/1999-2000

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro to set Joint Planning Public Hearing dates for:

Wednesday, April 12, 2000
Monday, October 2, 2000

BE IT FURTHER RESOLVED that Assembly of Governments meetings be set for:

Thursday, March 30, 2000
Monday, October 30, 2000

This 7th day of December, 1999.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW 3.130 USES IN THE "O" ZONE

Staff has identified the need to revise the provisions pertaining to permissible uses in the "O" zoning district. Should the Mayor and Board of Aldermen wish to proceed with any action on this matter, the administration recommended that a public hearing be set for January 11, 2000 and that the ordinance be submitted to the Planning Board and Orange County for comment.

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

A RESOLUTION CALLING A PUBLIC HEARING ON
A LAND USE ORDINANCE TEXT AMENDMENT TO
ALLOW 3.130 USES IN THE OFFICE (O) ZONING DISTRICT
Resolution No. 82/1999-2000

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed land use policy and regulations; and

WHEREAS, in 1991, the Land Use Ordinance was amended to include the Office (O) zoning district, a district designed to accommodate limited non-residential uses on smaller, infill parcels which might be located near existing residential developments; and

WHEREAS, the 3.130 use, "Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area" despite its apparent compatibility with the intent of the district, was not included in the Table of Permissible Uses for this zone.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on January 11, 2000 to consider adopting "An Ordinance amending the Carrboro Land Use Ordinance to Allow 3.130 Uses in the Office Zoning District with a Zoning or Conditional Use Permit."

BE IT FURTHER RESOLVED that this proposal is referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for comment and recommendation to the Board.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

QUARTERLY FINANCIAL AND PERSONNEL REPORTS

The Mayor and Board of Aldermen have requested quarterly financial and personnel reports. The first quarterly financial and personnel reports are provided to the Board as information. These reports cover the period of July – September, 1999. The purpose of this agenda item was for the Mayor and Board of Aldermen to receive these reports.

It was the consensus of the Board to request that brief presentations on these reports be made for the next quarter's reports.

A REQUEST TO ADOPT A BUDGET ORDINANCE APPROVING THE TRANSFER OF CONTINGENCY FUNDS TO GOVERNMENTAL SUPPORT FOR HOLIDAY TREE LIGHTING CEREMONY

The Board was requested to adopt a budget ordinance transferring \$500 from contingency to the Governance Support Cost Center to support festivities associated with the Holiday Tree Lighting Ceremony.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT A BUDGET ORDINANCE TO AMEND CAPITAL RESERVE FUND AND CAPITAL PROJECT FUNDS

The purpose of this agenda item was to amend the Capital Reserve and Capital Project Funds to correct a budget amendment submitted in error by the Management Services Department on June 1, 1999. Funds set aside for the Master Park Plan and reallocated to the Community Center Renovations were budgeted in the Capital Reserve Fund but incorrectly transferred from the Capital Projects Fund. This ordinance reverses the error and correctly shows the funds being transferred from the Capital Reserve Fund for the Community Center.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT A RESOLUTION TO AUTHORIZE THE TOWN TO PURCHASE THE PIEDMONT ELECTRIC PROPERTY ON EUGENE STREET FOR THE BIKE PATH

The Board of Aldermen authorized staff to make an offer to purchase the Piedmont Electric property on Eugene Street to facilitate the construction of a bike path that is planned as a part of the Roberson Place project. The purpose of this item was to inform the Board that Piedmont Electric Corporation accepted the offer to purchase in the amount of \$28,906. The Board was requested to approve a resolution approving the purchase of the Piedmont Electric property and to approve a budget ordinance transferring \$30,000 from the Capital Reserve Fund to the Capital Project Fund enabling the land purchase.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

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

A RESOLUTION AUTHORIZING THE PURCHASE OF THE
PIEDMONT ELECTRIC PROPERTY LOCATED
ON EUGENE STREET FOR A BIKEPATH
Resolution No. 79/1999-2000

WHEREAS, the Town of Carrboro has bid successfully to purchase the Piedmont Electric property located on Eugene Street; and

WHEREAS, the Board of Aldermen authorized staff to offer Piedmont Electric \$28,906 for the construction of a bike path adjacent to the Roberson Place subdivision property; and

WHEREAS, Piedmont Electric has accepted the Town's bid in the amount of \$28,906.

NOW THEREFORE THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES:

Section 1. The Town Manager is authorized to execute the necessary documents to purchase the Piedmont Electric property for \$28,906 and to spend \$1,094 in closing costs for the project.

Section 2. That all efforts be made to site the bikepath on the property to allow maximum use of the remaining property for affordable housing.

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 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

A REQUEST TO ADOPT A BUDGET ORDINANCE TO ESTABLISH A PROJECT BUDGET FOR THE FIRE DEPARTMENT CAMERA FUND

The Fire Department has spent the past year raising funds to purchase a thermal-imaging camera. As a result of \$20,000 in contributions from town citizens, businesses, Arts Committee, memorial contributions in honor of Eric Dallas Crabtree, and a transfer of contingency funds by the Board, sufficient funds are available to purchase the camera. A budget ordinance is required to establish a project budget for the Camera Fund to purchase the camera.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT A BUDGET ORDINANCE APPROPRIATING FUND BALANCE TO PAY FOR REMAINING BALANCES ON PRIOR YEAR ENCUMBRANCES AND PROJECT EXPENDITURES

The Board was requested to approve a budget ordinance totaling \$158,358 that appropriates budgeted funds to cover prior year encumbrances paid in the current fiscal year and to cover costs of projects uncompleted in prior year that are completed or scheduled for completion in this fiscal year. Of the \$158,358, \$117,600 was set aside by the Board in June 1999 to cover project expenditures budgeted in FY98-99 that would not be completed until this current fiscal year (FY99-2000). The remainder, \$40,758, represents purchase orders or contractual commitments that remained unperformed at the end of the year in FY98-99.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

STATUS REPORT ON TECHNOLOGY EFFORTS WITHIN THE TOWN ORGANIZATION

The town staff has prepared a status report on technology efforts within the town organization as information to the Board.

It was the consensus of the Board that in the future that this report not be placed on the consent agenda.

A REQUEST TO ADOPT A BUDGET ORDINANCE TO ESTABLISH PROJECT BUDGETS FOR SMITH MIDDLE SCHOOL AND SMALL PARK PROJECTS

The Board of Aldermen, in the current fiscal year, has approved two projects, Smith Middle School and the purchase of land for the Hillsborough Road Neighborhood Park. A budget ordinance is required to establish the revenues and expenditures anticipated for these projects. As allowed by law, payment-in-lieu revenue designated for recreation purposes shall be used to fund the initial phase of the Smith Middle School project and will partially offset the cost of land for the Hillsborough Road Neighborhood Park

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'99-2000 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

PRESENTATION OF THE AUDIT REPORT FOR FISCAL YEAR 1998-99

The purpose of this agenda item is to receive the audit report for the 1998-99 Fiscal Year. The town's audit firm, Dixon, Odom and Company, presented the report.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Alex Zaffron.

A RESOLUTION ACCEPTING THE 1998-99 AUDIT REPORT
Resolution No. 75/1999-2000

WHEREAS, the Carrboro Board of Aldermen have received the Annual 1998-1999 Audit Report; and

WHEREAS, the Aldermen were informed by the Town's auditors, Dixon, Odom, PLLC, that the Town's financial statements are free of material misstatement and that the audit tests conducted by the firm disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards;

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

Section 1. Accept the Annual 1998-1999 Audit Report.

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 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

MINOR MODIFICATION TO THE BELLSOUTH TOWER CONDITIONAL USE PERMIT

BellSouth Mobility PCS has submitted an application for a minor modification to the conditional use permit issued on February 9, 1999. The minor modification request is to add the minimum lights required by the FAA to the tower located at 625 Old Fayetteville Road. The Board of Aldermen must review and make a decision regarding the minor modification request.

Gray Styers, on behalf of BellSouth Mobility stated that the tower would have a white strobe during the day and red at night as required by the FAA.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Diana McDuffee.

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE BELLSOUTH TELECOMMUNICATIONS TOWER LOCATED AT 625 OLD FAYETTEVILLE ROAD ALLOWING THE MINIMUM LIGHTING REQUIRED BY THE FAA TO BE PLACED ON THE TOWER
Resolution No. 83/1999-2000

WHEREAS, the Carrboro Board of Aldermen has approved a Conditional Use Permit for a telecommunications tower at 625 Old Fayetteville Road on February 9, 1999; and

WHEREAS, the approved plans for the telecommunications tower did not include any daytime or nighttime lighting; and

WHEREAS, the FAA has issued a ruling requiring the telecommunications tower to be lit during the day and night with the minimum amount of lighting possible; and

WHEREAS, the Land Use Ordinance for the Town of Carrboro specifies that requested modifications to permits that have no substantial impact on neighboring properties, or the general public must be approved by the permit issuing authority; and

WHEREAS, the Town of Carrboro Board of Aldermen finds that the proposed lighting is the minimum lighting required by the FAA and further finds that the lighting will have no substantial impact on neighboring properties or the general public.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the conditional use permit at 625 Old Fayetteville Road be approved to allow the placement of the minimum lighting required by the FAA.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

Alderman Spalt requested a report on the change in flight pattern for aircraft that has planes coming over the BellSouth tower.

REQUEST FROM EMPOWERMENT, INC. TO RE-PROGRAM AFFORDABLE HOUSING FUNDS

Myles Presler, Executive Director of Empowerment, Inc., on November 16, 1999 petitioned the Carrboro Board of Aldermen to re-program \$6,000 specifically budgeted to Empowerment, Inc. to leverage private financing to assist families at 80% of the area median income to purchase homes. Empowerment's request is to re-program the \$6,000 to support an incubator in Chapel Hill.

James Harris, the town's Community and Economic Development Director, answered the Board's questions concerning this matter.

Terry Carver, representing Empowerment, answered the Board's questions concerning this matter.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO APPROPRIATE \$6,000 FROM THE TOWN'S CONTINGENCY FUND FOR THE MIDWAY BUSINESS CENTER. VOTE: AFFIRMATIVE ALL

REPORT ON IMPLEMENTATION OF UPDATE OF THE YEAR 2000 TASK FORCE REPORT

The Town Manager requested that planning staff prepare an update of implementation activities of the Year 2000 Task Force Policies that have occurred since 1993. This update has been conducted and is presented for the Board of Aldermen review. A resolution that accepts this review and, if desirable, identifies information for inclusion in the annotations to the Year 2000 policies has been prepared for the Board's considerations.

The Board requested that the Vision 2020 Task Force during its assessment discuss the following areas:

Mayor Nelson asked that the Vision 2020 Task Force consider how the business community has changed since the 2000 Task Force Report was prepared.

Alderman Dorosin asked that town employee benefits be considered.

Alderman McDuffee asked that an assessment of the environment be considered.

Alderman Broun asked that a specific category for the arts and culture (to include the Farmers' Market) be discussed. Also ways to maintain the downtown and shopping centers.

Alderman Spalt asked that economic development with a sub-category of different activities that may not be available be discussed.

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

A RESOLUTION ACCEPTING THE IMPLEMENTATION UPDATE
OF THE YEAR 2000 TASK FORCE POLICIES
Resolution No. 68/1999-2000

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to review existing policy.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the Implementation Update of the Year 2000 Task Force Policies.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen, if desired, identifies items to be included as additional annotations to the Year 2000 Task Force Policies.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

A REVIEW OF THE REPORT ON THE PROPOSED AGENDA FOR THE DECEMBER 11TH RETREAT

The Mayor and Board of Aldermen approved a two-step retreat process for this year. The Retreat Steering Committee has developed an agenda for the December 11th retreat. The Committee requested that the Board review the proposed agenda.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION APPROVING THE PROPOSED
AGENDA FOR THE DECEMBER 11, 1999 PLANNING RETREAT
Resolution No. 81/1999-2000

BE IT RESOLVED that the Mayor and Board of Aldermen approve the proposed agenda for the December 11, 1999 planning retreat.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of December, 1999:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Jacquelyn Gist

LETTER TO COUNTY COMMISSIONERS REQUESTING FUNDING FOR SOCCER FIELDS AT SMITH MIDDLE SCHOOL

The Board requested that the town staff include a request for funding for soccer fields at Smith Middle School in the letter to the County Commissioners that the Board asked to be written at the November 30th Board Meeting.

REQUEST FOR REPORT ON REMOVAL OF PLAYGROUND EQUIPMENT AT WILSON PARK

Alderman Broun asked that the town staff prepare a report on why the playground equipment at Wilson Park was removed and whether it will be returned.

REQUEST TO PLANT A LIVE CHRISTMAS TREE AT TOWN HALL

Alderman Dorosin volunteered to meet with Leif Larson (a 5th grader at Carrboro Elementary School who submitted a letter requesting that a live tree be planted on the front lawn of Town Hall for use as the town's Christmas tree) to discuss his proposal.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADJOURN THE MEETING AT 10:00 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

Mayor

Town Clerk