

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, July 1, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	John Boone
	Zona Norwood
Town Manager	Robert W. Morgan
Town Attorney	Brenda Foreman (sitting in for Mike Brough)
Town Clerk	

Absent:
Alderman Judith Wegner

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE MINUTES OF JUNE 24, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

PETITION FROM SIMPSON STREET RESIDENTS

Mr. Wallace Womble presented a petition from 45 residents of Simpson Street requesting the following: a reduction in the speed limit on Simpson Street from 25 miles per hour to 15 miles per hour; installation of speed bumps or additional stop signs to reduce speed; clearance of undergrowth in the curve; more police patrol to enforce traffic regulations through this street.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT THE PETITION BE ACCEPTED. VOTE: AFFIRMATIVE ALL

It was the consensus of the Board to request the town staff to look into the requests contained in the petition.

QUARTERLY REPORT/BOARD OF ADJUSTMENT

Margaret Brown, Chair of the Board of Adjustment, made a report on the activities of the Board of Adjustment. Ms. Brown stated that the Board of Adjustment had met four times during the past quarter, with one of these meetings having to be cancelled due to the lack of a quorum. Ms. Brown stated that there are currently three vacancies on the Board of Adjustment and requested the Board of Aldermen's assistance in getting these positions filled. Ms. Brown stated that the Board of Adjustment would like a status report on the Domino's Pizza sign. In addition, Ms. Brown stated that the Board of Adjustment would like to request that the Board of Aldermen consider appointing a member of the Board of Aldermen to the Board of Adjustment to serve as a liaison member.

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/CENTRAL CAROLINA BANK

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that Central Carolina Bank of Durham had applied for a conditional use permit which would allow the construction of a Central Carolina Bank branch facility at 102 Highway 54 Bypass (originally part of the Plantation

Plaza Shopping Center site). The lot is 40,467 square feet, is identified as Tax Map 114, part of Lot 31, and is zoned Business-4.

Mr. Shepard stated that the administration recommended approval of the conditional use permit with the condition that storm drainage calculations be required to verify that pipe sizes are sufficient for contributing storm water from outparcel "C", and that these calculations be reviewed by the town's consulting engineer prior to approval of construction plans.

Mayor Porto noted that the Transportation Advisory Board and Planning Board recommended approval of the conditional use permit with the staff's recommendations. Mayor Porto stated that the Appearance Commission recommended approval of the conditional use permit with the condition that the existing trees that have died, indicated on the landscape plan as trees to remain, be replaced with live trees of like species and caliper and that due to its relative fragility, the Deodar Cedar be replaced by the heartier Leland Cypress on the landscape plan.

Robert Sotolongo, representing the developer, was sworn in. Mr. Sotolongo stated that they were willing to accept the recommended conditions.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) THE APPLICANT SHALL COMPLETE THE DEVELOPMENT STRICTLY IN ACCORDANCE WITH THE PLANS SUBMITTED TO AND APPROVED BY THIS BOARD, A COPY OF WHICH IS FILED IN THE CARRBORO TOWN HALL. ANY DEVIATIONS FROM OR CHANGES IN THESE PLANS MUST BE POINTED OUT SPECIFICALLY TO THE ADMINISTRATOR IN WRITING AND SPECIFIC WRITTEN APPROVAL OBTAINED AS PROVIDED IN SECTION 15-64 OF THE LAND USE ORDINANCE.
- 2) IF ANY OF THE CONDITIONS AFFIXED HERETO OR ANY PART THEREOF SHALL BE HELD INVALID OR VOID, THEN THIS PERMIT SHALL BE VOID AND OF NO EFFECT.
- 3) THAT STORM DRAINAGE CALCULATIONS BE REQUIRED TO VERIFY THAT PIPE SIZES ARE SUFFICIENT FOR CONTRIBUTING STORM WATER FROM OUTPARCEL "C", AND THAT THESE CALCULATIONS BE REVIEWED BY THE TOWN'S CONSULTING ENGINEER PRIOR TO APPROVAL OF CONSTRUCTION PLANS.
- 4) THAT THE EXISTING TREES THAT HAVE DIED, INDICATED ON THE LANDSCAPE PLAN AS TREES TO REMAIN, BE REPLACED WITH LIVE TREES OF LIKE SPECIES AND CALIPER.
- 5) THAT THE DEODAR CEDAR BE REPLACED WITH LELAND CYPRESS ON THE LANDSCAPE PLAN.
- 6) THAT AT LEAST TWO TRASH RECEPTACLES BE PLACED ON THE BUILDING SITE AND THAT THE DEVELOPER BE REQUIRED TO KEEP THE SITE REASONABLY FREE OF TRASH DURING CONSTRUCTION.

VOTE: AFFIRMATIVE ALL

REQUEST FOR FRANCHISE TRANSFER/PRIME VENTURE I, INC.

Mr. Bob Woodruff, Vice-President and Controller of Village Cable, requested the Board of Aldermen's approval of the transfer of its limited franchises to operate the cable television system to Prime Venture I, Inc. Mr. Woodruff stated that all of Village Cable's assets will be transferred to Prime Venture. Mr. Woodruff stated that Prime Venture had not negotiated with Village Cable's technical employees because the transfer had not been officially made.

Jerry Lindauer with Prime Venture, stated that Prime Venture was solely in the cable t.v. business and that they were very interested in the needs of the Chapel Hill-Carrboro community.

The following resolution was introduced by Alderman John Boone and seconded by Alderman Tom Gurganus.

A RESOLUTION APPROVING THE TRANSFER OF
VILLAGE CABLE'S LIMITED CABLE TELEVISION FRANCHISES
TO PRIME VENTURE
Resolution No. 1/86-87

WHEREAS, the Board of Aldermen of the Town of Carrboro by ordinances effective October 14, 1980, October 11, 1983, February 6, 1985 and March 26, 1985, granted to Village Cable, Inc. and Village Cable of Orange County, Inc., ("Village Cable") limited franchises to construct cable along certain rights-of-way and to operate a cable television system in certain annexed portions of Carrboro; and

WHEREAS, Village Cable, on June 11, 1986, entered into asset purchase agreements with Prime Venture I, Inc. ("Prime Venture"), a Delaware Corporation, for the sale and transfer of substantially all of Village Cable's assets, including its cable television system in Carrboro, to Prime Venture; and

WHEREAS, Village Cable has requested permission from the Board of Aldermen to transfer its rights under limited franchises to Prime Venture; and

WHEREAS, Prime Venture agrees to accept the terms and obligations of the limited franchises as transferred; and

WHEREAS, the Board of Aldermen has determined that Prime Venture is qualified to hold the limited cable television franchises;

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

1. Upon consummation of the asset purchase agreements between Village Cable and Prime Venture and the successful transfer of the assets of Village Cable to Prime Venture, and the execution of the acceptance of this resolution by Prime Venture, such execution to represent to the Town the consummation of the asset purchase agreements and successful transfer of assets; all rights and obligations of Village Cable incorporated in the cable television franchise ordinance and limited franchises cited above shall be transferred to Prime Venture.

2. All other provisions of the franchise ordinance and limited franchises shall remain in effect.

3. This resolution shall be effective from and after passage.

4. All resolutions in conflict with this resolution, are, to

the extent of such conflict, hereby repealed.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of July, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, John Boone, Zona Norwood

Noes: None

Absent or Excused: Judith Wegner

PLANNING WORK PROGRAM AGREEMENT

Jim Dunlop, the town's transportation planner, stated that in order for the Town of Carrboro to be reimbursed with grant funds for work performed as part of the Planning Work Program, the town must enter into an agreement with the City of Durham. Mr. Dunlop stated that the administration recommended approval of the agreement between the City of Durham and the Town of Carrboro for the allocation and distribution of transportation planning grant funds.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO THE AGREEMENT WITH THE CITY OF DURHAM. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO CABLE T.V. COMMITTEE

Mr. William Price, who resides at 105 Fidelity Street, has requested appointment to the Cable T.V. Committee. Mr. Price has attended meetings of the Cable T.V. Committee and that committee recommends his appointment. In addition, Village Cable has requested that Mr. Price serve as its representative on the Cable T.V. Committee.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL THAT WILLIAM PRICE BE APPOINTED TO THE CABLE T.V. COMMITTEE. VOTE: AFFIRMATIVE ALL

APPOINTMENT OF CHAIR OF THE CARRBORO 2000 TASK FORCE

Mayor Porto informed the Board that October Ivins had agreed to serve as chair of the Carrboro 2000 Task Force.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY TOM GURGANUS THAT OCTOBER IVINS BE APPOINTED CHAIR OF THE 2000 TASK FORCE. VOTE: AFFIRMATIVE ALL

ADOPTION OF THREE-YEAR PLAN AND CAPITAL IMPROVEMENTS PLAN

Don Casper, Finance Director, stated that as part of the budget process, the Board of Aldermen reviewed "The Three Year Plan" and "Capital Improvements Plan". The Board amended certain appropriations in adopting the 1986-87 Budget Ordinance. As requested, the Three-Year Plan has now been revised to reflect these changes.

Mr. Casper stated that the administration requested adoption of a resolution formally adopting the Three Year Plan and Capital Improvements Plan.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Zona Norwood.

A RESOLUTION ADOPTING THE "THREE YEAR BUDGET PLAN"
AND "CAPITAL IMPROVEMENTS PLAN"
Resolution No. 2/86-87

WHEREAS, the Board of Aldermen has reviewed, as a part of the annual budget process, the "Three-Year Budget Plan" and "Capital Improvements Plan"; and

WHEREAS, these documents attempt to identify resources and needs for multi-year periods and are expressed in tentative budgets.

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

Section 1. The administration shall use these documents as general guides in the preparation of future annual budgets.

Section 2. The Board of Aldermen will use these documents as guides for future budget consideration, but reserves the right to alter these tentative budgets as additional information becomes available.

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 July, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, John Boone, Zona Norwood

Noes: None

Absent or Excused: Judith Wegner

REQUEST FOR EXECUTIVE SESSION TO DISCUSS ACQUISITION OF PROPERTY

It was the consensus of the Board to go into executive session to discuss the acquisition of property.

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

J. Porto
Mayor