A regular meeting of the Carrboro Board of Aldermen was held on April 21, 1987 at 7:30 p.m. in the Board Room of Town Hall.

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 Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough
Town Clerk	Zona Norwood Robert W. Morgan Sarah C. Williamson

Absent:

Alderman

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Judith Wegner

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MINUTES OF APRIL 14, 1987 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST TO LOWER FLAGS TO HALF MASS IN HONOR OF DOUG SHARER

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT FLAGS ON TOWN PROPERTY BE LOWERED TO HALF MASS FOR A PERIOD OF 30 DAYS IN HONOR OF DOUG SHARER. VOTE: AFFIRMA-TIVE ALL

RESOLUTION COMMENDING RUTH STROUD

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION COMMENDING RUTH STROUD FOR HER SERVICE TO THE CARRBORO RECREATION AND PARKS COMMISSION Resolution No. 31/86-87

WHEREAS, Ruth Stroud has served as a member of the Carrboro Recreation and Parks Commission since 1981; and

WHEREAS, Ms. Stroud was instrumental in working with senior citizens and representing their interests before the Recreation and Parks Commission; and

WHEREAS, Ms. Stroud has been involved in and strongly supportive of recreation and parks in general, and deeply concerned for senior citizens and leisure opportunities for all ages in specific; and

WHEREAS, Ms. Stroud has provided invaluable service to the recreation and park movement in the Town of Carrboro by her concerns for and service to the members of the community.

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

Section 1. The Board expresses its sincere gratitude and appreciation to Ruth Stroud for her contributions to recreation and parks in our town.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy shall be delivered to Ruth Stroud.



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 21st day of April, 1987:

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

Noes: None

Absent or Excused: Judith Wegner

REQUESTS TO SET PUBLIC HEARINGS

(1) Voluntary Annexation/Highland Hills

Highland Hills, Ltd. has submitted a petition requesting the annexation of Highland Hills. Highland Hills is located adjacent to the satellite annexation area containing The Villages and Rock Creek Apartments, and as such will also be considered a satellite or non-contiguous annexation. Highland Hills contains 46.203 acres and 270 apartment units.

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt the attached resolution, which sets a public hearing for May 5, 1987.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Randy Marshall.

> A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF HIGHLAND HILLS UPON THE REQUEST OF THE PROPERTY OWNERS Resolution No. 32/86-87

WHEREAS, the Town of Carrboro has received a petition from the owners of Highland Hills requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

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

Section 1. The Board of Aldermen shall hold a public hearing on May 5, 1987 to consider the voluntary annexation of Highland Hills.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in <u>The Chapel Hill News-paper</u> at least ten days prior to the date of the public hearing.

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 21st day of April, 1987:

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

Noes: Tom Gurganus

Absent or Excused: Judith Wegner

The Westminster Compay has submitted a petition requesting the annexation of Fairoaks, Tract "A". Fairoaks, Tract A is located at Old N.C. 86 and State Road 1009 and contains 25.55 acres and 158 units.

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt the attached resolution, which sets a public hearing for May 5, 1987.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Randy Marshall.

> A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF FAIROAKS, TRACT "A" UPON THE REQUEST OF THE PROPERTY OWNERS Resolution No. 33/86-87

WHEREAS, the Town of Carrboro has received a petition from the owners of Fairoaks, Tract "A" requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

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

Section I. The Board of Aldermen shall hold a public hearing on May 5, 1987 to consider the voluntary annexation of Fairoaks, Tract "A".

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in <u>The Chapel Hill</u> <u>Newspaper</u> at least ten days prior to the date of the public hearing.

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 21st day of April, 1987:

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

Noes: Tom Gurganus

Absent or Excused: Judith Wegner

PUBLIC HEARING/SPECIAL LEGISLATION TO CREATE NEIGHBORHOOD PRESERVATION DISTRICTS

Mike Brough stated that the Historic Preservation Task Force had requested that the Board consider seeking authority to enact an ordinance creating neighborhood preservation districts. Mr. Brough stated that he had drafted legislation as an amendment to the proposed Town Charter revision which would authorize the town to establish neighborhood preservation districts and create a neighborhood preservation district commission to act in this capacity. Mr. Brough stated that a neighborhood preservation district would be defined as an area that has some distinctive characteristics but does not qualify under state law for designation as an historic district. The historic preservation commission could exercise various powers to help preserve the designated neighborhood, including the review of plans for developments to be located in the neighborhood but commission would have to issue or deny certificates of appropriateness for a proposed development.

Mr. Morgan pointed out several minor changes in the proposed legislation.

Fritz Sonnichsen, Chair of the Historic Preservation Task Force, requested that the second sentence of Subsection 9-13(8) be amended to read "The board of aldermen may provide that none of the foregoing permits may be issued until the neighborhood preservation commission has had an opportunity to comment upon the application and for its comments to be officially taken into consideration by the permit issuing authority." Mr. Sonnichsen also requested that the last sentence of subsection 9-13(8) concerning demolition of buildings be made a separate subsection.

Jay Bryan, a member of the Historic Preservation Task Force, also requested that the last sentence of subsection 9-13(8) dealing with demolition of buildings be made a separate subsection.

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

MOTION WAS MADE JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PROPOSED LEGISLATION, AS AMENDED, BE FORWARDED TO THE TOWN'S LEGISLATION DELEGATION FOR INTRODUCTION. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/SPECIAL LEGISLATION AUTHORIZING JOINT PLANNING AND ANNEXATION AGREEMENTS

Mike Brough presented a draft of special legislation authorizing the town to engage in a joint planning program and enter into enforceable agreements limiting the town's annexation authority. Mr. Brough stated that Section 2 of the legislation would authorize Carrboro to establish an annexation line with Chapel Hill and Orange County and would make enforceable the proposals now being considered in the joint planning agreement whereby no annexation will be permitted outside the transition area and whereby Chapel Hill and Carrboro would agree not to annex across an established dividing line between them.

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

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE PROPOSED LEGISLATION BE FORWARDED TO THE TOWN'S LEGISLATIVE DELEGATION FOR INTRODUCTION. VOTE: AFFIRMATIVE ALL

LAND USE ORDINANCE AMENDMENTS INCORPORATING CHANGES IN FEDERAL FLOOD INSURANCE REGULATIONS

Ann Weeks, the town's Senior Planner, stated that on August 25, 1986 the Federal Emergency Management Agency published a final rule revising the regulations implementing the National Flood Insurance Program. The regulations direct local governments to adopt ordinances limiting development in floodplain areas in order to participate in the program. Ms. Weeks stated that the Town Attorney's office had prepared the necessary amendments to the Land Use Ordinance to Include the changes required by the revisions in the federal regulations.

Roy Williford, Planning Director, stated that there are some existing structures located in the 100-year flood plain including a portion of Berkshire Manor, one or two houses on the north side of West Main Street, and one house on Carol Street. Mr. Williford stated that the recently approved Weatherhill Point will be located in the 100-year floodplain.

Frada Bernstein, an attorney in Mike Brough's office, stated that the proposed ordinance revisions relate primarily to new construction and the town would be subject to claims by individual property owners if these requirements were not imposed if the property owners were denied flood insurance.

Charles Riggsbee, representing the Planning Board, stated that the Planning Board recommended approval of the proposed ordinance.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO INCORPORATE MANDATORY FEDERAL FLOOD INSURANCE REGULATIONS REGARDING LAND USE IN FLOODPLAINS AND FLOODWAYS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

SECOND READING/KALE PROPERTY REZONING REQUEST

The Board of Aldermen at its meeting of April 7, 1987, held a public hearing on a request from David Kale to rezone approximately 2.49 acres composed of five lots shown on Tax Map 97, Block A, Lot 1, 1-A, 18, 19, and 20 and located on the northeast side of North Greensboro Street between Estes Drive and Williams Street. Due to the fact that this issue did not receive a favorable vote of two-thirds of the Board membership on its first reading, a second reading is required.

Roy Williford, Planning Director, stated that the applicant had withdrawn his request to rezone this property.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JOHN BOONE THAT THE REZONING REQUEST BE TABLED. VOTE: AFFIRMATIVE ALL

UNCOLLECTABLE AD VALOREM TAXES

Don Casper, Assistant Town Manager/Finance Director, stated that town records indicate 1976 ad valorem taxes in the amount of \$15,599.59 remain uncollected. The statute of limitations apply after 10 years. Mr. Casper stated that the administration recommended these amounts be recognized as uncollectable and permit the Finance Office to remove these amounts from the accounting records.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT 1976 AD VALOREM TAXES IN THE AMOUNT OF \$15,599.59 BE REMOVED FROM THE TOWN'S ACCOUNTING RECORDS. VOTE: AFFIRMATIVE ALL

PUBLIC/PRIVATE PARTNERSHIP CONFERENCE

Mr. Morgan stated that the Chair of the Planning Board had asked if the town could financially assist one member of the Planning Board that is attending the Public/Private Partnership Conference. Mr. Morgan stated that it was also requested that the town assist two members of the Downtown Development Commission attending this conference. Mr. Morgan stated that the town had not budgeted travel expenses for these advisory board members to attend this conference.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE TOWN REIMBURSE THE TWO MEMBERS OF THE DOWNTOWN DEVELOPMENT COMMISION AND THE ONE MEMBER OF THE PLANNING BOARD ATTENDING THE PUBLIC/PRIVATE PARTNERSHIP CONFERENCE \$250.00 EACH TOWARD THE COST OF REGISTRATION FOR THE CONFERENCE. VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (GURGANUS)

The Board requested that the administration set aside in next year's budget \$250.00 for each advisory board to be used for educational purposes.

REQUEST FOR FUNDS TO PURCHASE AND INSTALL OLYMPIC FESTIVAL BANNERS

Dan Leonard, Chair of the Appearance Commission and chair of a steering committee for the Olympic Festival, requested the town appropriate funds to purchase and install Olympic Festival banners. These banners would be placed on light poles in the central business district and would cost approximately \$500.

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'86-87 BUDGET ORDINANCE," BE ADOPTED TRANSFERRING \$500 FROM CONTINGENCY TO THE PUBLIC WORKS STREET SUPPLIES BUDGET TO PURCHASE AND INSTALL OLYMPIC FESTIVAL BANNERS. VOTE: AFFIRMATIVE ALL

REQUEST FOR EXECUTIVE SESSION

It was the consensus of the Board to go into executive session following the worksession to discuss a matter involving potential litigation.

There being no further business, the meeting was adjourned.

Sarah C. Williams n Town Clerk

Mayor